

**PRE AND POST-HURRICANE  
MITIGATION AND DEVELOPMENT  
IN WAKULLA COUNTY**

**MAY 1994**

**Apalachee Regional Planning Council**

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PRE AND POST-HURRICANE MITIGATION AND DEVELOPMENT  
IN WAKULLA COUNTY

May 31, 1994

Prepared by the  
Apalachee Regional Planning Council

for the  
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## EXECUTIVE SUMMARY

Hazard mitigation activities are intended to reduce the cost of recovery from a disaster. The Pre and Post-Hurricane Mitigation and Development in Wakulla County Pilot Study provides hurricane mitigation alternatives for Wakulla County, a rural County in the Panhandle of Florida. Wakulla's economic and personnel resources are very limited, like many other rural counties in Florida. A large portion of the County is owned by the Federal government as parts of the Apalachicola National Forest and the St. Marks National Wildlife Refuge. Many of the County's properties fall under the State's Homestead exemption, to the point that approximately only 36% of the County's total assessed value is taxable. Implementation of mitigation activities is affected by the financial situation of the County.

The County is highly vulnerable to both wind and water damage from a hurricane. Based on the results of a run of the SLOSH model for the area, most of the developable land in the County could be affected by a hurricane. A substantial segment of the County's dwelling units are manufactured homes, which are more susceptible to wind effects.

The study's recommendations are based on the premise that improving the existing planning and regulatory framework will be more effective than trying to dramatically change the current structure. The recommended actions include modifications to each of the elements of the comprehensive plan. The recommended changes are intended to make the risk and potential costs from a hurricane event an integral part of the County's comprehensive plan. Changes were also recommended to the County's Land Development Regulations. In addition, changes to the County's Emergency Plan and to regional documents that affect the content of the local comprehensive plan were recommended.

The study then focuses on specific strategies for mitigation, such as limiting development in the CHHA through regulation and land acquisition. Other strategies include creating disincentives for the development in the CHHA while providing incentives for development in more appropriate areas, improving the



effectiveness and efficiency of the recovery and reconstruction, and improving hazards education efforts.

The study also provides the County with a listing of potential funding sources that can be used for mitigation activities, as well as technical assistance resources that the County could employ in its mitigation efforts.

The coastal zone of Wakulla County is one of the most valuable portions of the County in terms of taxable income. This, coupled with the fact there are numerous environmental constraints to development throughout the County, provides for a difficult political situation for implementing hurricane mitigation actions. The study will provide a basic knowledge for the policy makers and a foundation for future activities. It is expected the document will be used during the County's evaluation and appraisal of its comprehensive plan. It is also expected that those recommendations that do not require modifications in the County's regulations could be implemented by the County's staff.

## INTRODUCTION

An emergency is generally divided into four phases: preparedness, response, recovery and mitigation. Mitigation activities reduce the effects of a hazard to a community. Mitigation measures can be implemented long before an emergency occurs. In areas where damage is severe and redevelopment required, mitigation activities should also be part of the recovery phase of an emergency in order to reduce future impact from a hurricane.

This document is intended to evaluate current hurricane mitigation activities performed within Wakulla County, Florida. The document also provides recommendations regarding improvements to current measures and present alternative measures that could be considered by the local governments in the area.

Hurricane mitigation is a difficult endeavor, especially in areas where residents have not experienced a hurricane that produced significant damage, as in Wakulla County. Residents may not be able to relate to the risk from a hurricane event based on data and models. Hurricane mitigation may not be one of the priorities for a county with economic development problems. Regulations that affect the use of the land are especially difficult to approve in Wakulla County. The land already has numerous restrictions due to its environmental sensitivity. A large section of the County is owned by the federal government, affecting the tax base and reducing the chances for land acquisition by the public sector.

Mitigation measures involve people that may not be usually involved in emergency management efforts, such as planning and County commissioners. This requires extra coordination efforts in order to ensure an understanding of the risk and the alternative mitigation measures.

Many of the alternative measures involve the adoption or amendment of rules and regulations. This is a long process, especially if citizens are to be given adequate participation in the deliberation and adoption process. It will also take time to develop the data and analyses necessary for the process. It is critical that the process of adopting and implementing mitigation measures be started before an emergency strikes the community.



## COMMUNITY ANALYSIS

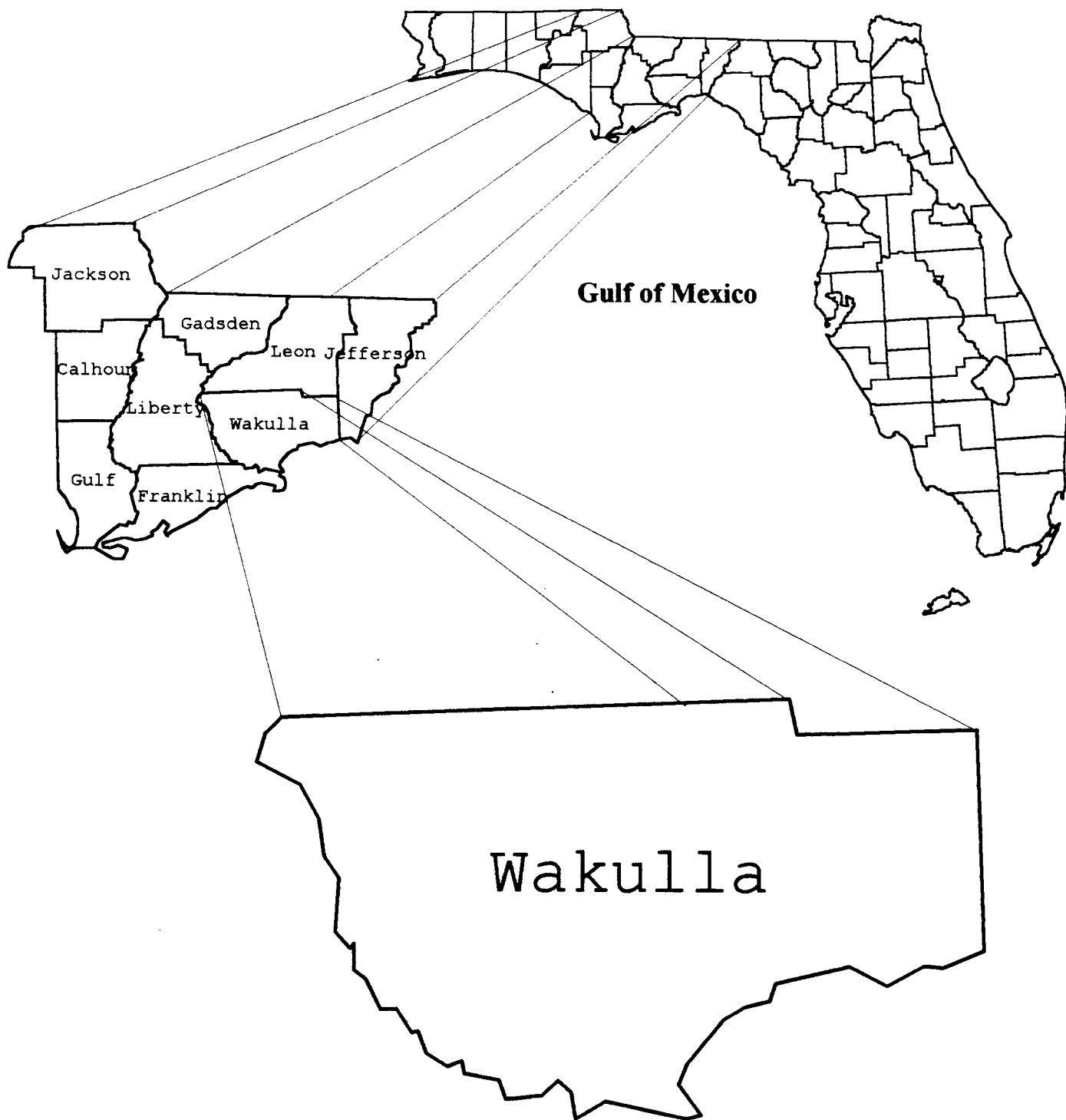
### General Description:

Wakulla County is located in the northern panhandle Region of Florida. It is surrounded by Leon County to the North, Franklin and Liberty Counties to the West, Jefferson County to the East and the Gulf of Mexico to the South (see Figure 1). The County has a land area of approximately 601 square miles. The average elevation is 8 feet (see Figure 2). The average annual rain is 54 inches and the average summer temperature is 81.4 degrees Fahrenheit.

The portion of the Gulf of Mexico adjacent to Wakulla County is shallow water, mainly 20 feet deep or less (Figure 3, NOAA, 1985). In shallow water wave energy is dissipated due to bottom drag. Most of the County's coast is a low energy beach characterized by salt marsh vegetation. The shallow waters and the shape of the coast combine to provide maximum surge heights. There is one identified beach dune system in Wakulla's coast, at Mashles Sand Park, where the Ochlockonee Bay meets the Gulf of Mexico. Although the beach is eroding, the rate of erosion of this area is much slower than that of neighboring Franklin County. There are no erosion control structures in the Mashles Sands area.

Most of Wakulla County lies in the Ochlockonee River Basin, which includes the Ochlockonee and Sopchoppy River. The rest of the County falls within the St. Marks River Basin, which includes the St. Marks and Wakulla Rivers (Figure 4). The County is divided into two major physiographic regions: the Apalachicola Coastal Lowlands and the Woodville Karst Plain (Figure 5). The Apalachicola lowlands have low permeability soils and is characterized primarily by marshes, while the Woodville Plain has well drained soils.

**Figure 1: Location**





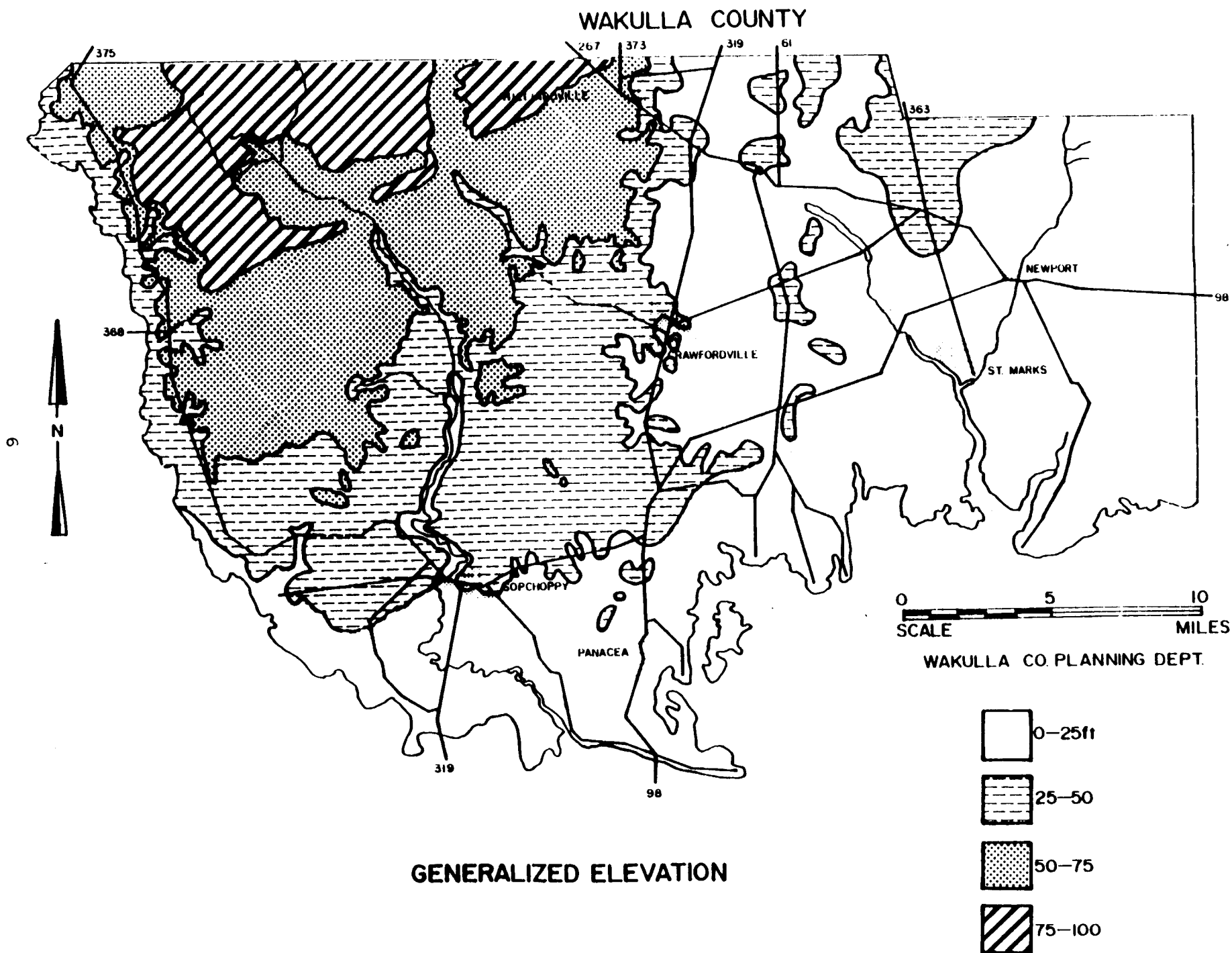
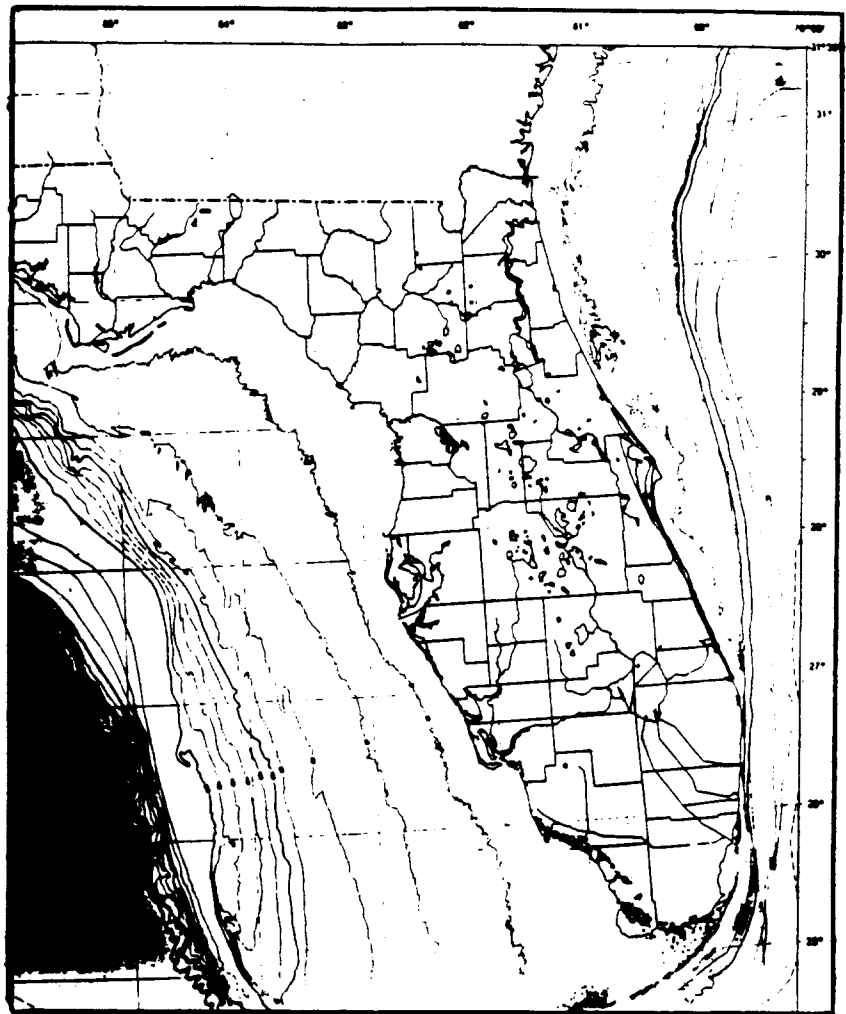


FIGURE 2

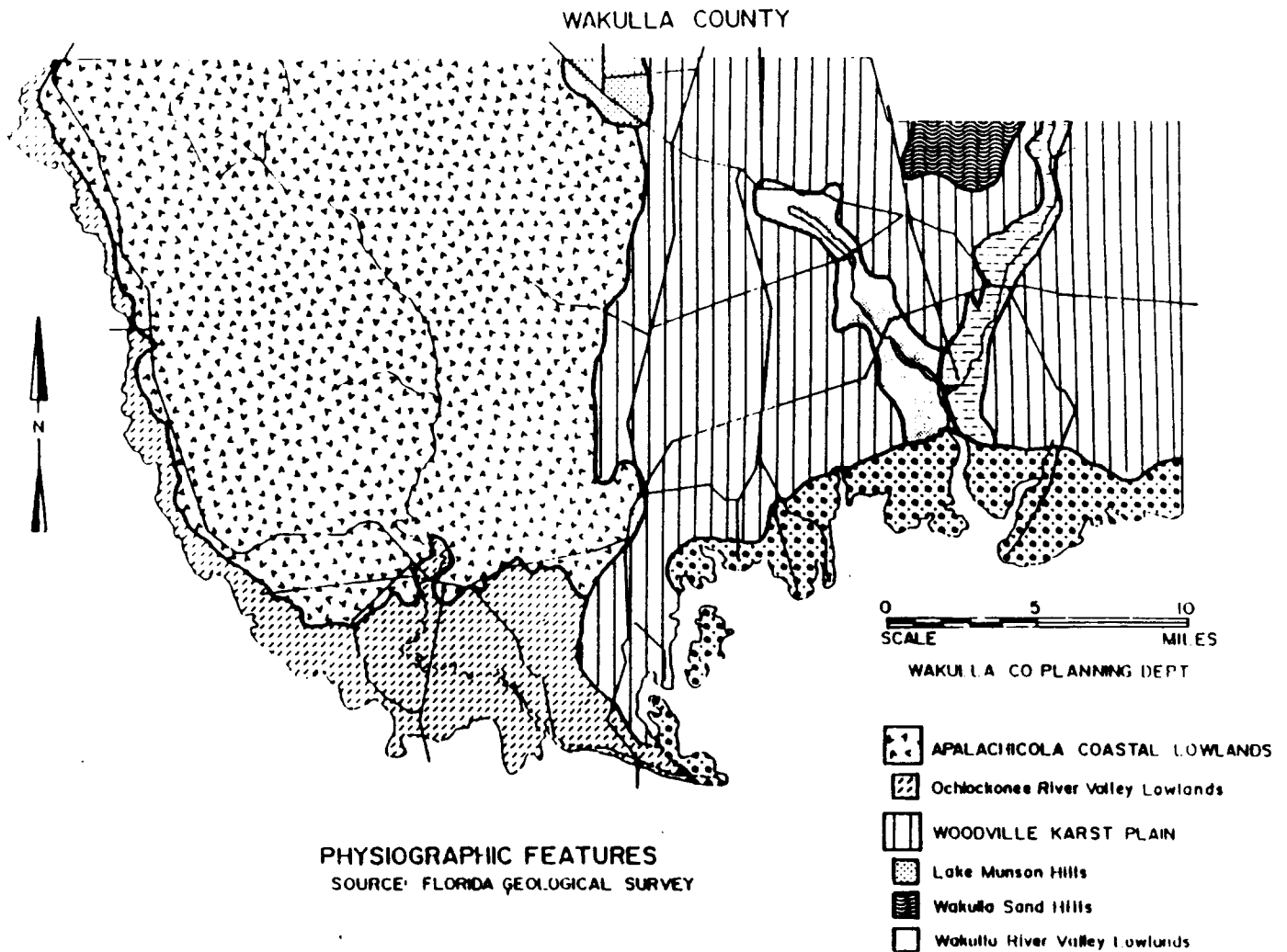
**Source:** Gulf of Mexico, Coastal and Ocean Zones.  
**Strategic Assessment:** Data Atlas.  
**NOAA, 1985.**



The map displays the geographical layout of Wakulla County, Florida, with a focus on its river basins and planning areas. The Ochlockonee River Basin is located on the western side, while the St. Marks River Basin is in the central-northern part. The Wakulla River Basin runs along the eastern edge. Major roads are depicted as solid lines, and towns such as Marianna, Crawfordville, and Newberry are marked. A scale bar at the bottom right indicates distances in miles (0, 5, 10), and a north arrow is positioned on the left side. The text 'WAKULLA COUNTY' is at the top, and 'RIVER BASINS' is at the bottom.

**SOURCE: NWFWMO**

FIGURE 5 - MAJOR PHYSIOGRAPHIC REGIONS



#### Demographic Information:

The 1992 population of Wakulla County was estimated at 14,659 persons, 1993). The average population density was 24.4 persons. The county population is projected to be 17,030 in the year 2000 and 19,604 in 2010. There are two incorporated municipalities within Wakulla County: Sopchoppy and St. Marks. The populations of the cities were estimated to be 389 and 306 persons, respectively.

#### Economic Description:

According to the 1993 Florida Statistical Abstract, the average per-capita income for Wakulla County residents was

\$14,145. The State of Florida and the United States averages were \$19,087 and \$19,091, respectively. The County's unemployment rate was estimated to be 5.8 percent of the identified labor force. It should be noted that a large number of the residents, 62%, work out of the County. According to the US Census, in 1989, approximately 11% of the residents of Wakulla County had incomes below the poverty level.

According to the Florida Statistical Abstract, 1993, Wakulla County had total revenues of \$12.85 million during the fiscal year 1990-91. For the same period, total expenditures, including indebtedness, were \$15.79 million. Wakulla County is also challenged by the large number of properties exempted from taxation. In 1992, only approximately 36.5% of the total assessed value was taxable. In January 1992, the County levied an ad valorem rate of 10.0 mills, the constitutional cap for county government millage in Florida.

#### Housing:

According to the 1990 US Census, the County had 6,587 housing units. The most common type of housing was single family detached with 3,520 or 53% of the units, followed by mobile homes with 2,952 or 45% of the units. The large number of mobile homes (or manufactured units) are a concern with regards to emergency management since the residents of these units will need to evacuate for all hurricanes. Approximately 11% of the units (737) are for seasonal, recreational or occasional use, and, at the time of the census, 21% (1,377) were vacant.

#### Other Resources:

Parts of the Apalachicola National Forest and the St. Marks National Wildlife Sanctuary are located within Wakulla County. Wakulla also has numerous historic resources among which are the St. Marks Lighthouse and Fort St. Marcos de Apalachee, close to the Town of St. Marks. The Wakulla Springs State Park is another attraction located in Wakulla County.



## Land Use and Development:

According to the Wakulla County Comprehensive Plan (1992), in 1990, the majority of the unincorporated land of the County (approximately 58%) was designated as Recreation/Conservation. This percentage reflects the location within the County of the Apalachicola National Forest and the St. Marks National Wildlife Sanctuary. Thirty four percent (34%) was designated agriculture, 6% was vacant, 2% was residential. Commercial, industrial and public land uses, each constituted 1% or less of the land. Figure 6 depicts existing land uses.

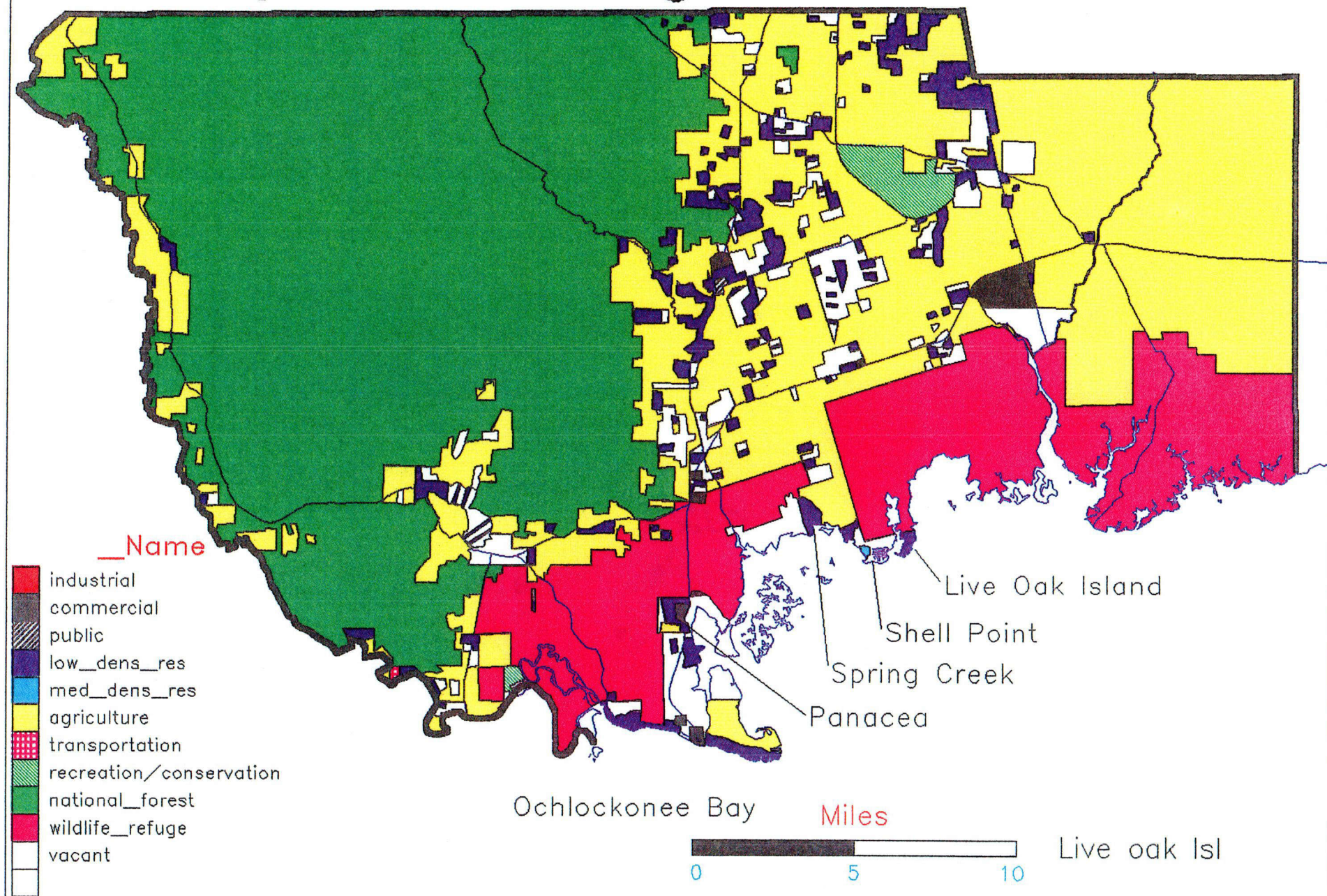
Figure 7 shows the generalized future land uses based on the Wakulla County Comprehensive Plan. Most development in the County is located adjacent to US Highways 319 and 98, and State Highways 363 and 365. The largest area of residential growth is on the northern section of the County along the Leon County Border. There are few industrial sites in the County. The largest industrial site in the County is Olin Corporation, located off US 98, northwest of the City of St. Marks. There are several industrial sites within the City of St. Marks including the Purdom Power Generating Plant, the Mackenzie Tank Lines depot, the St.Marks Refinery and Spur Gasoline Tanks (Figures 8-11).

## General Vulnerability to Hurricanes:

Figure 27 depicts the extent of the surge coverage for the worst case scenarios of the five category storms which may affect the County. For a category five storm, the large majority of the non-federally owned land in the County will be affected by storm surge. The extent of the potential surge coupled with the substantial number of mobile homes in the County makes it even more sensitive to wind and water damage.

The following section describes in more detail the areas that are most susceptible to damage from hurricanes.

# Figure 6: Existing Land Use: 1987





# Figure 7: Future Land Use

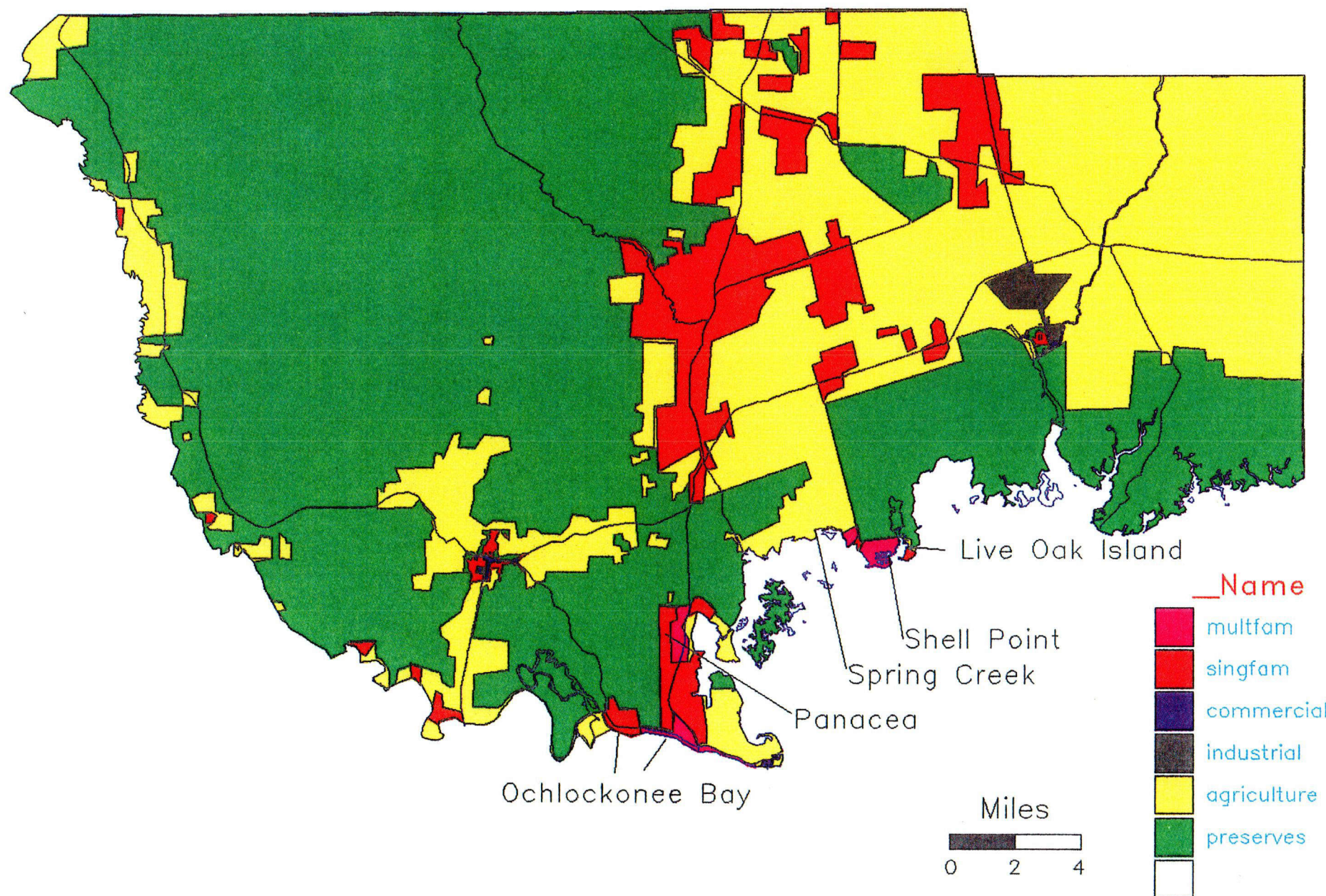


Figure 8: Petroleum Storage Facilities. There are several petroleum facilities in St. Marks.

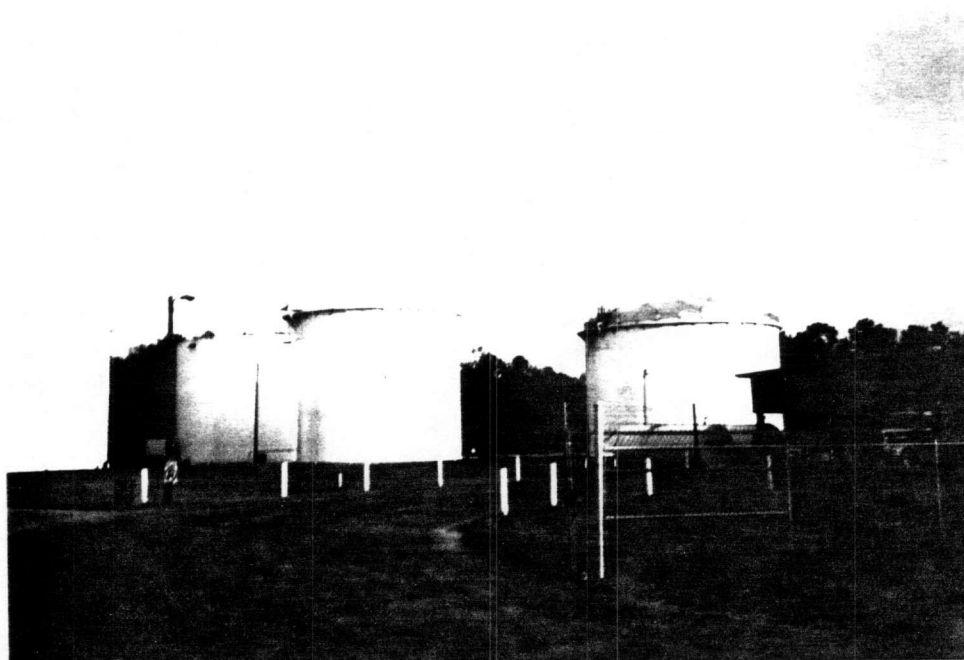


Figure 9: Marinas. Marinas and docks are located within the Town, along the St. Marks River.

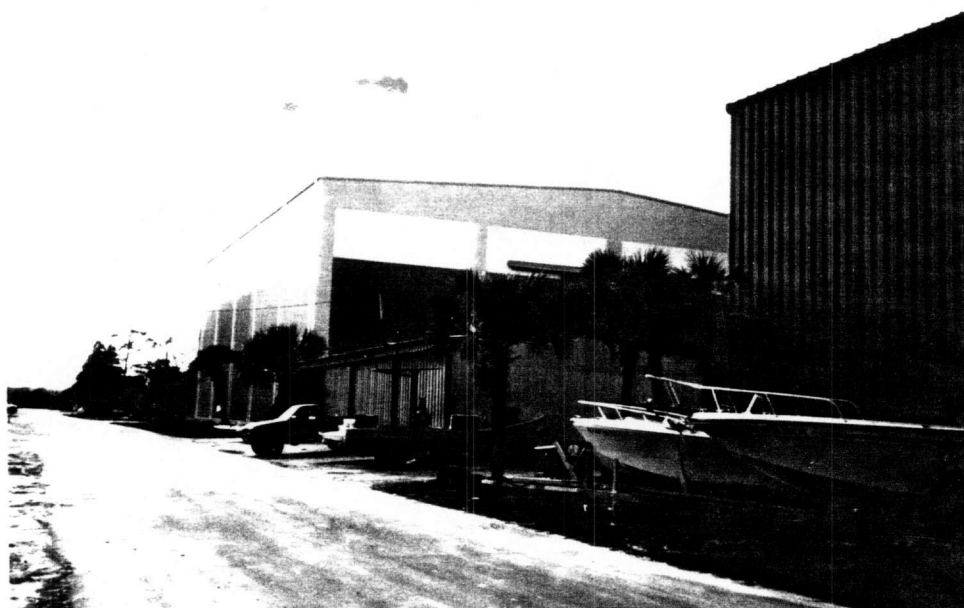




Figure 10: Aerial view of St Marks.

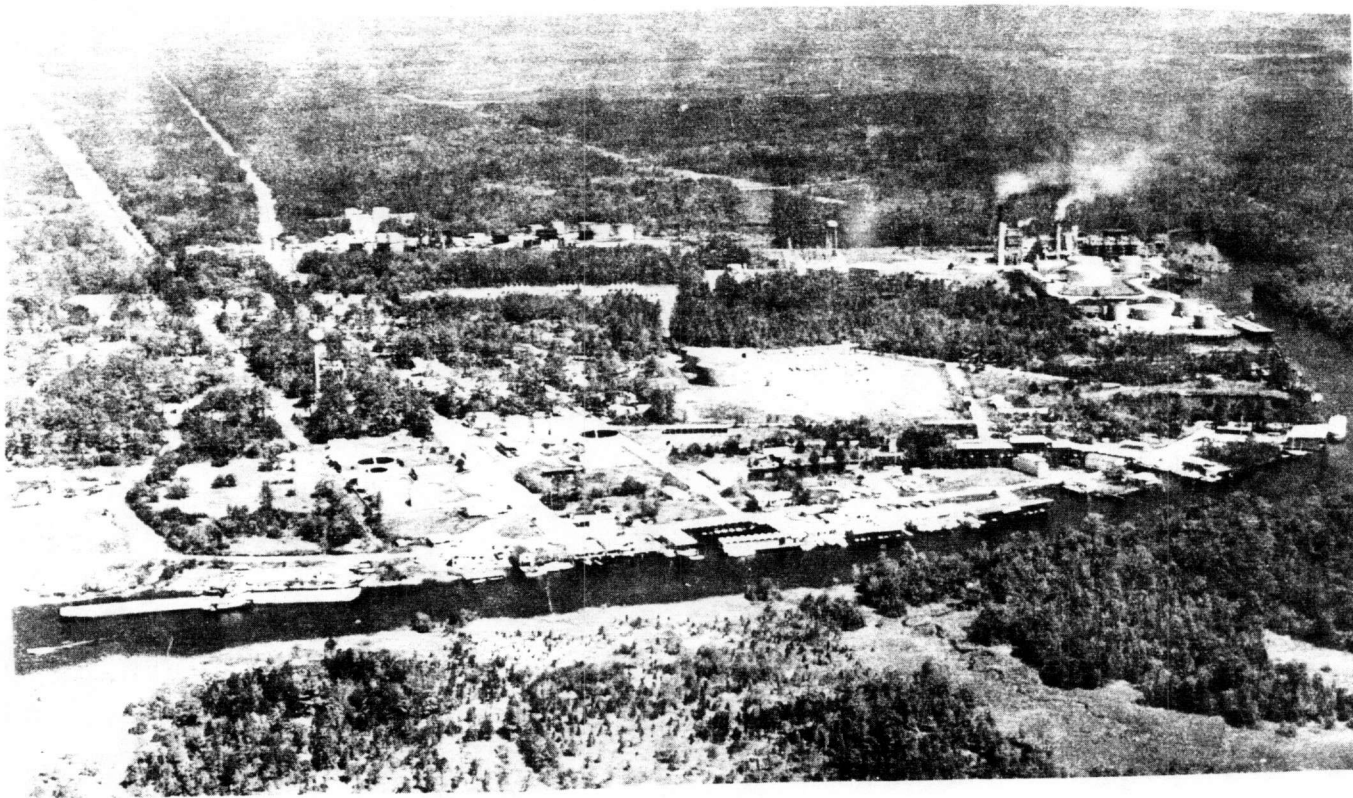
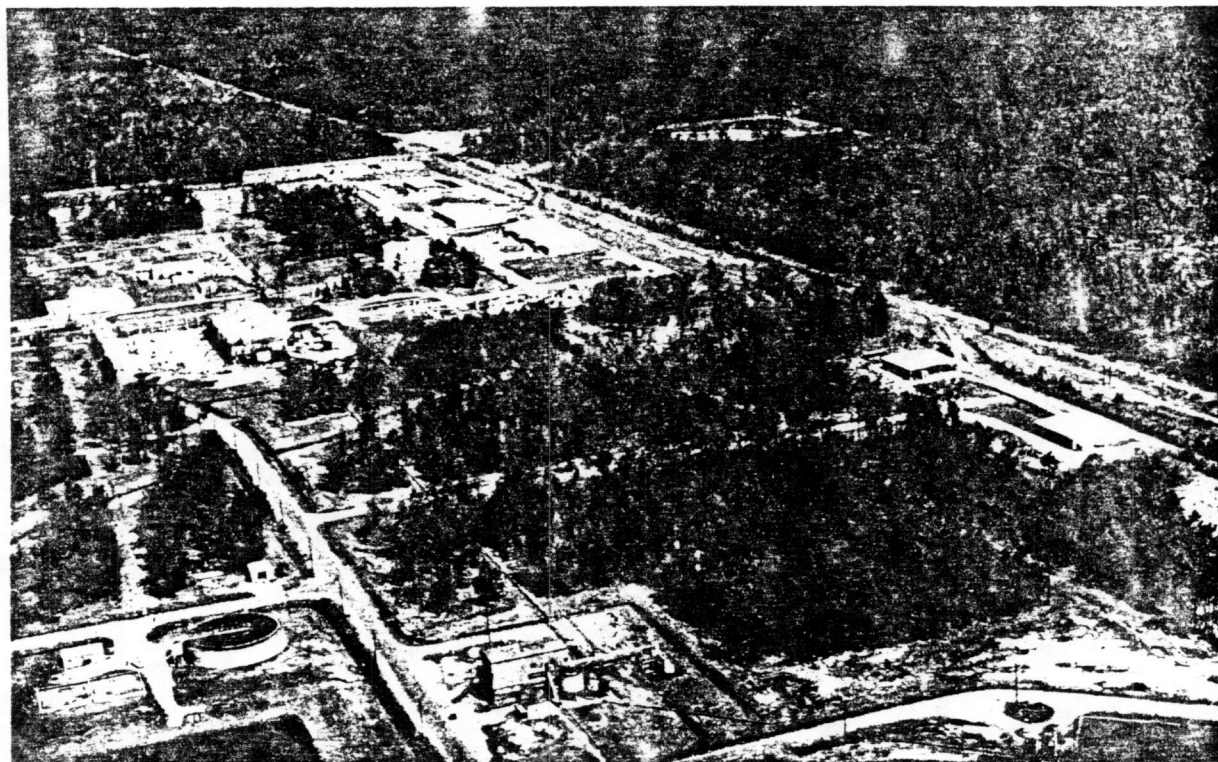


Figure 11: Olin Corporation, which produces explosives, is located on the outskirts of St. Marks.



### The Coastal High Hazard Area (CHHA):

The current Coastal High Hazard Area (CHHA) for Wakulla County, as depicted in the Local Comprehensive Plan, is based on the damage and surge information available when the plan was being prepared. The boundaries of the CHHA are shown in Figure 12. Figure 27 shows that this definition of the CHHA differs from the areas expected to be affected by even categories 1 and 2 hurricanes.

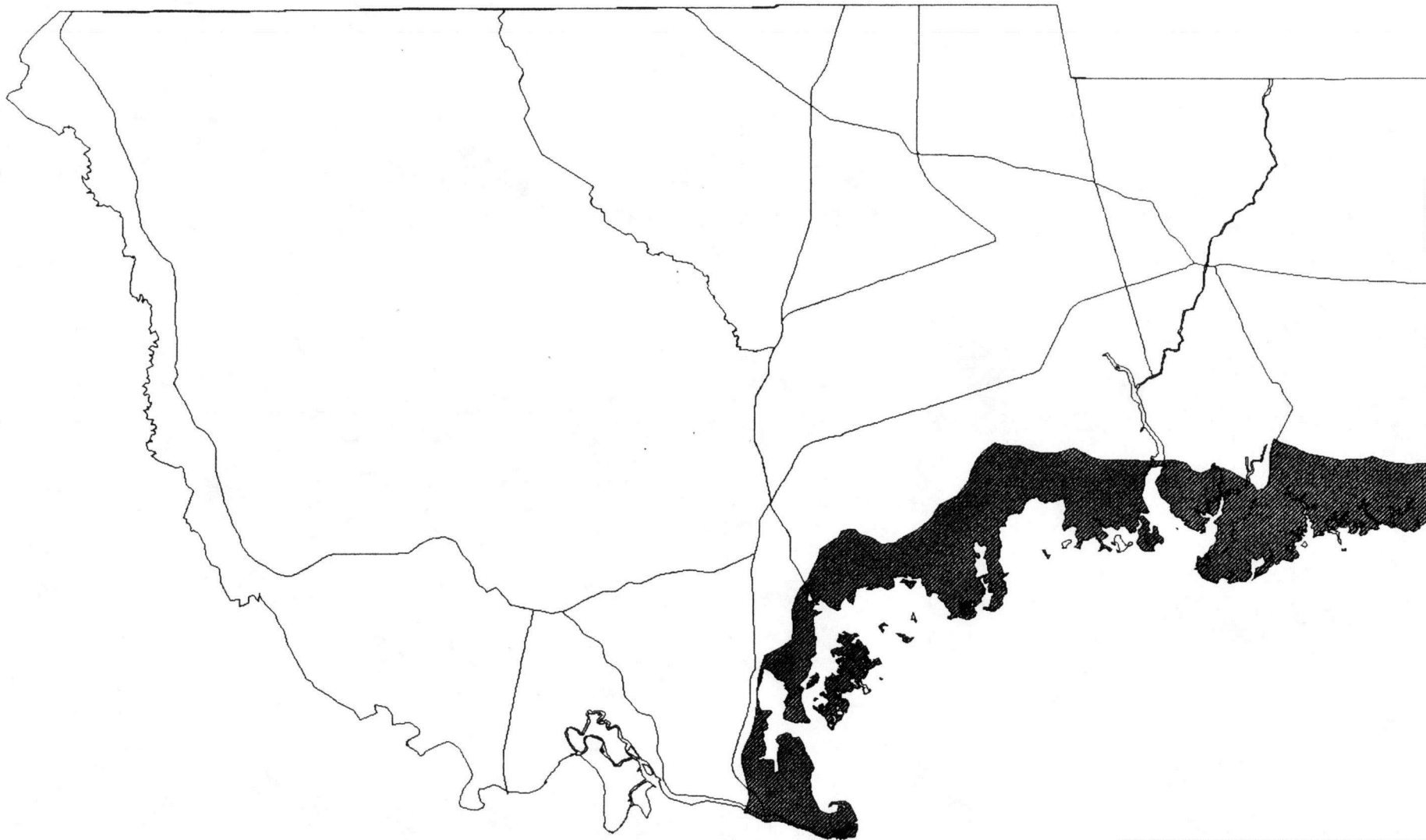
In general, development within the CHHA is not extensive, mostly because a large section of the coast is occupied by the St. Marks National Wildlife Sanctuary. It is estimated that approximately 32% of the dwellings in the County are located within this area. As mentioned before, about 10% of the dwellings in the County are seasonal or vacation units. Most of these seasonal and vacation units are located in the coastal communities. The permanent population of the coastal area, those expected to be most affected by an evacuation order, are estimated to be in the range of 20% .

It must be noted that the coastal communities contain some of the land of highest taxable value in the County. This fact will affect the mitigation efforts of the County. The tax base of the community, the community's opinion of acceptable risk, the extent of public involvement in the provision of services to these coastal areas and the risk to public facilities are factors that must be considered when discussing mitigation alternatives.

The pattern of development described above is not expected to change considerably in the future.

Most of the development within the CHHA is located in several communities. More detailed information regarding each community, its development patterns and infrastructure is provided below. The communities are: Live Oak Island, Ochlockonee Bay, Panacea, Shell Point and Spring Creek (next to Oyster Bay).

## Figure 12: Coastal High Hazard Area



Miles  
0 2 4

Source: Wakulla County Comprehensive Plan

Development in Live Oak Island is generally new and elevated to current standards (see Figures 13 and 14). Many of the units seem to be for vacation or seasonal use. The Live Oak Community maintains a series of man made canals parallel to the coast. It also has a sea wall approximately 3 feet high. The community is served by centralized water provided by the Gulf Coast Water System. Live Oak Island is actually a peninsula with only one road into the area, County Road 367 A.

Figure 13: Live Oak Community.





Figure 14: Live Oak dwelling units showing different elevations.



The structures along Ochlockonee Bay vary in elevation and type of construction. Examples are shown in Figures 15 through 17. The older structures are wood or concrete block built on a slab. Newer structures are elevated. Some of the structures are elevated to the original FEMA flood standards (10 to 12 feet) while other are elevated up to 30 feet, in accordance with present flood regulations. The area is served by the Panacea central water and sewer systems. The development has access to County Road 372 and US 98.

Panacea is an older community developed next to Levy Bay, along US 98. Most of the development along US 98 is commercial in nature. There is a private marina and mix use, commercial/residential development next to the water. Most of the buildings are one story high. The area is served by the Panacea central water and sewer systems.

Figure 15: Ochlockonee Bay Community: Man made canal perpendicular to the coast.



Figure 16: Ochlockonee Bay Community. Homes of different elevations.



Figure 17: Ochlockonee Bay Community. Marina



Figure 18: Panacea: Commercial area along US 98.



Figure 19: Residential area near the coast.



The community of Shell Point combines single family and multi-family units and mobile homes (see Figures 20 through 22). The elevation of the buildings varies, as in Ochlockonee Bay. A large number of the units are developed along canals parallel to the coast. These canals may intensify the impact from a storm. Shell Point is served by Talquin Electric's Gulf Coast Water System. The community is served by the Oyster Bay sewer system, the Paradise Village Subdivision sewer system and the Shell Point sewer system. These are all package systems that are privately owned and operated. The only road access to Shell Point is State Road 367.

Figure 20: Multi-family dwellings in Shell Point.





Figure 21: Single Family dwellings in Shell Point.



Figure 22: Shell Point Marina, early development stages.



Spring Creek is a small residential community located next to Oyster Bay. It is an older community composed mainly of single family units and mobile homes (see Figures 22 and 23). Most of the buildings are not elevated. The community is served by the Gulf Coast Water System (Talquin Electric). Sewage is treated by septic tank systems.

Figure 23: Spring Creek: Commercial units.



Figure 24: Spring Creek: Manufactured homes.



## St. Marks:

The Town of St. Marks is not currently within the area designated as the CHHA; however, since the town is located at the confluence of the St. Marks and Wakulla Rivers, it is highly vulnerable to hurricane surge. Based on the new SLOSH data, the town will be affected by the surge from tropical storms.

The main land use within the City is agricultural (approximately 47%). Ten percent (10%) of the City's land is designated as industrial. This is the highest concentration of industrial development anywhere in the County. It is the access to the water through the rivers that has made the Town more attractive to industry. Most of the industrial sites are currently developed. Following a hurricane emergency, the Town will probably have to deal with cleanup of hazardous waste spills. Planning for this endeavor must include the private industry in the area. A potential mitigation alternative for some of the facilities could be flood proofing. Due to the environmental limitations of the County, it is not expected that the industries located in the Town will be easily relocated to other areas.








Figure 25 shows the Land Use Map for the City. Most of the residential units are single family and are not elevated. According to the 1990 US Census, 46% of the 172 units in the City are mobile homes. The City is served by central sewer and water. There is only 1 access road (State Road 363) to the City.

## Sopchoppy:

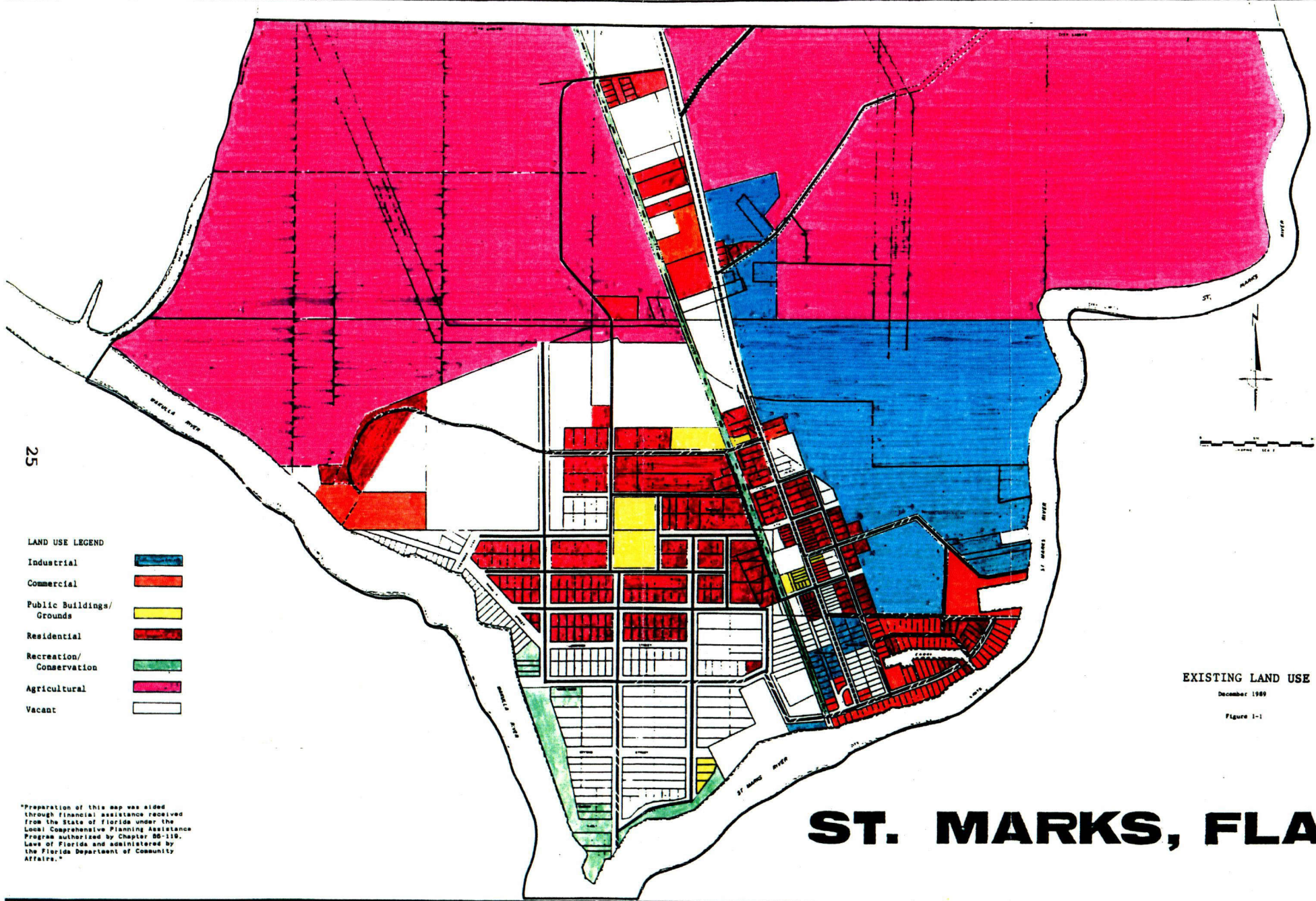
The Town of Sopchoppy is bordered by the Sopchoppy River. Most of the development occurs along US 319. Most of the land is designated as Conservation (39.7%) and Agriculture (26%). Only 8% of the land is residential and no industrial land is depicted. Figure 26 depicts land uses within the City in 1989. Based on the SLOSH information, the City would potentially be affected by surge effects during a Category 5 Hurricane. However, the City is not expected to be frequently damaged by storm events. Sopchoppy is served by a centralized water system operated by the City. Wastewater is treated by septic tank systems.



## LAND USE LEGEND

Industrial	
Commercial	
Public Buildings/ Grounds	
Residential	
Recreation/ Conservation	
Agricultural	
Vacant	

"Preparation of this map was aided through financial assistance received from the State of Florida under the Local Comprehensive Planning Assistance Program authorized by Chapter 88-118, Laws of Florida and administered by the Florida Department of Community Affairs."



EXISTING LAND USE

December 1989

Figure 1-1

# ST. MARKS, FLA.

Notes: (1) See 100 Year Flood Boundary Map for flood plain information.  
 (2) See Soils Associations Map for soil types.  
 (3) See Potable Water Map for cones of influence and public water wells.

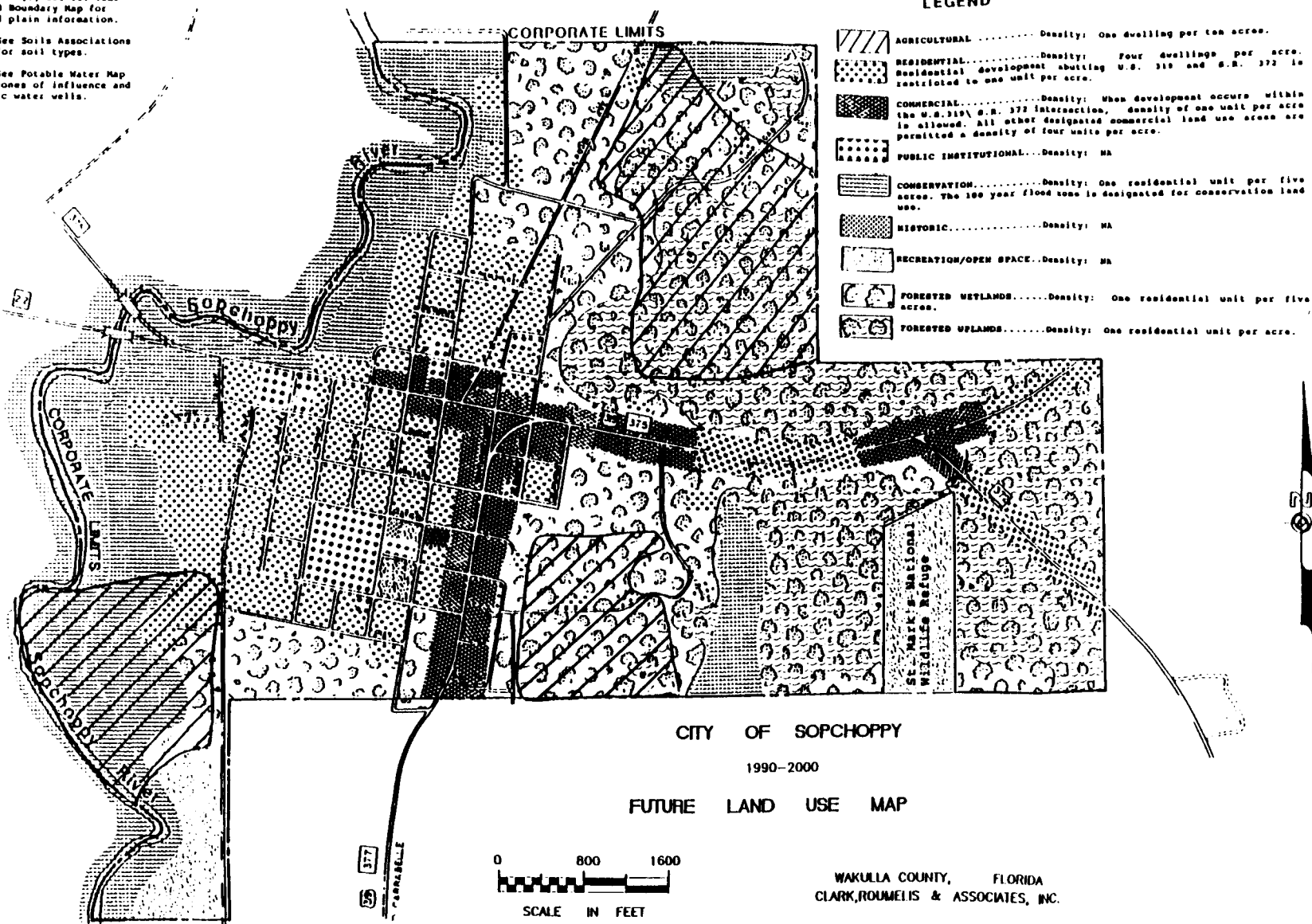


FIGURE 26



## REGULATORY OVERVIEW

### Wakulla County Comprehensive Plan:

The Wakulla County Comprehensive Plan was adopted by ordinance of the County in 1992 to comply with the requirements of Chapter 163, Florida Statutes. It provides a basis for the County's development policies. The Comprehensive Plan is composed of several elements, all of which have a set of Goals, Objectives and Policies. The adopted plan also contains a series of land use maps and procedures for public participation and plan amendment. The Goals, Objectives and Policies were developed following data collection and an evaluation of the topics related to each element.

The elements of a Comprehensive Plan are interrelated. Proposed changes to one element may affect others. The process of amending the plan must take into consideration internal consistency. The current plan should also be evaluated to ensure consistency between the different elements.

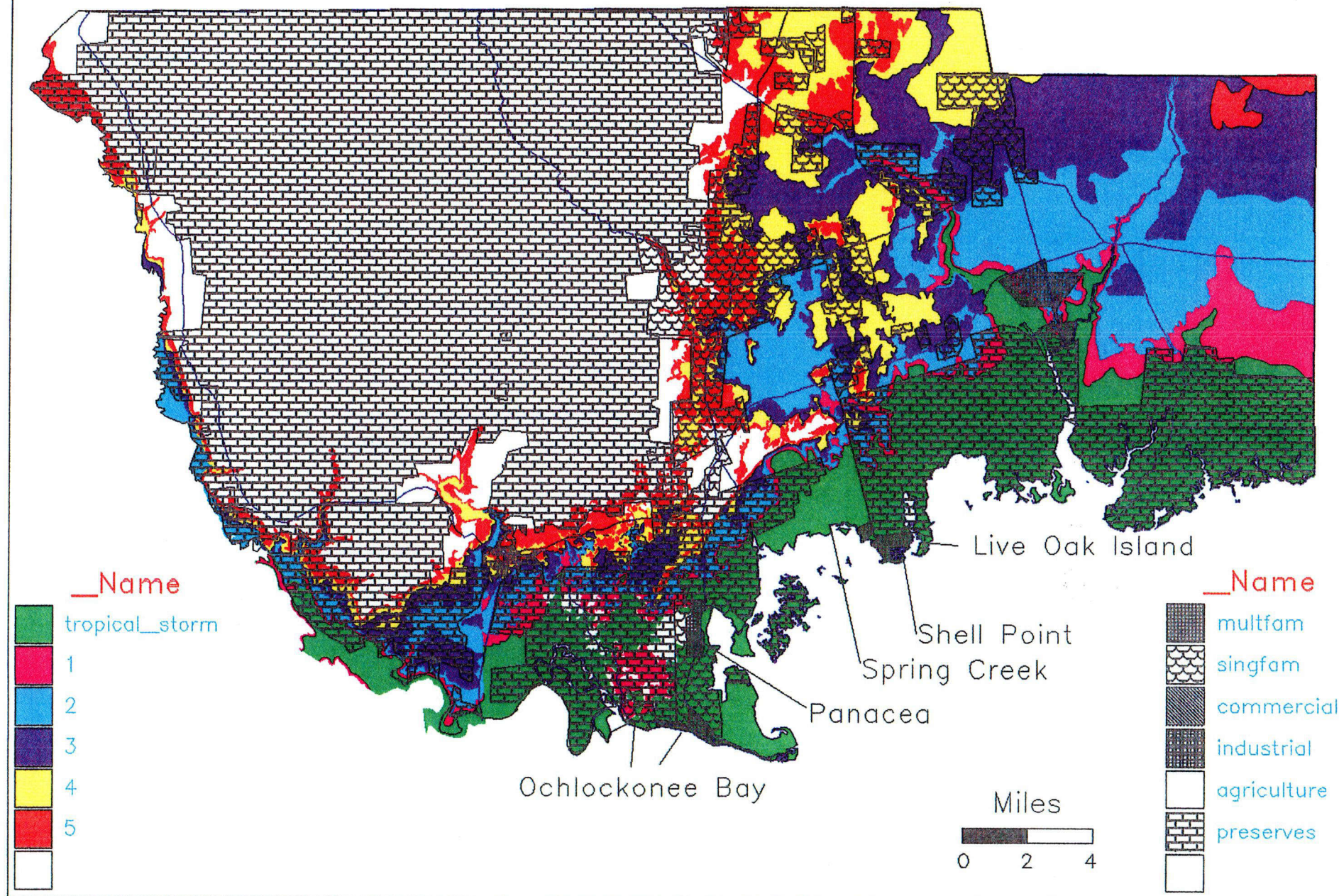
The elements of the Comprehensive Plan may have a direct or indirect effect on mitigating the risk from a hurricane to people and property. The relationship between some of the elements, such as Coastal Management and Future Land Use, and mitigation is clear. The relationship between mitigation and other elements of the plan are not. The following section provides an evaluation of the current comprehensive plan's content as it relates to mitigation. It also provides recommendations on how the Plan may be improved to address hurricane mitigation.

#### (A) Future Land Use Element (FLUE):

Evaluation: Wakulla's FLUE outlines the types of land uses and the densities and intensities allowed within each designation. Although, based on the Land Use Map, development within the current CHHA may not be extensive, a look at the draft maps resulting from the SLOSH model run of this basin (Figure 27) shows the majority of the developable area within the County will be affected by the surge of a hurricane category 3. Most of the land unaffected by storm surge falls within the federal holdings of the Apalachicola National Forest.



# Figure 27: Surge/Land Use Overlay





The Comprehensive Plan's designation of conservation areas to a density of 1 unit per 40 acres provides protection from development to the National Wildlife Sanctuary, which constitutes a large section of the County's coast. The FLUE restricts development in the CHHA to 4 units per acre in areas where central water and sewer are available and 1 unit per acre if these facilities are not available.

The FLUE allows and outlines the use of Planned Unit Developments (PUDs) to protect areas of environmental sensitivity. The plan also authorizes the use of clustering of development as a tool for protecting resources. The Plan also uses "Urban Service Areas" to direct development to places where public facilities are available.

The last objective of the FLUE (Objective 9) relates to the need for increased coordination with other jurisdictions for mitigating adverse impacts of development and redevelopment. The objective also calls for the review of "the population densities recommended by the hurricane evacuation plan prepared by the Apalachee Regional Planning Council" to determine if revisions of the Plan are required.

The FLUE does not directly tie potential risk from hurricanes to the development of land, to the designation of future Urban Service Areas, or to the use of other development tools for reducing potential damage from a hurricane. The plan also designates two areas within the CHHA, Panacea and Shell Point, as Urban Service Areas.

**Recommendations:** The County could introduce potential damage from hurricane as a factor in determining future Urban Service Areas, under FLUE Policy 2.4. The potential property loss should be considered in the evaluation of subdivisions and PUDs. The use of clustering of development should be encouraged in order to direct development to areas within the parcel where the potential for property and personal damage from a hurricane is reduced. As part of its Evaluation and

Appraisal Report (EAR), to be submitted pursuant to Chapter 163, F.S., or before, the County should examine if changes in the future land use designation of coastal areas may reduce the impact to the evacuation network, based on the new surge and evacuation information. The County could also reevaluate the use of other regulatory tools, for example, transfer of development rights, differential taxation or impact assessments based on expected damage potential as part of its efforts to reduce the potential damage from hurricanes.

(B) Housing Element:

Evaluation: The Housing Element focuses on encouraging the private sector to provide adequate housing and assisting in the elimination of substandard housing through the County's participation in state, federal or other assistance programs.

Recommendations: The Housing Element could include policies to discourage or prohibit the use of manufactured units within the CHHA. The element should also contain policies to encourage housing assistance programs to upgrade housing to meet current code restrictions in order to reduce potential damage.

(C) Infrastructure Element:

Evaluation: The Infrastructure Element is targeted at ensuring that service capacity is available in areas where development is to occur. The element also addresses the environmental constraints of the County, especially with regards to providing central sewer. Policy 2.3.1. requires conformance with the standards of the National Flood Insurance Program. The element does not address the potential impact the provision of public services may have by creating an incentive for people to move into more hazardous areas.

Recommendation: There are several ways in which the element could address the impact that the provision of public facilities may have by attracting people to the CHHA. For example, in the priority guidelines for capital improvements, Policy 1.2.2, Level Two, there is mention of reducing future improvement costs. The expected cost of reconstruction from hurricane damage should be considered as part of these costs. The increased potential damage from a hurricane event to personal property should also be considered in the evaluation of future capital improvements. A policy to reflect the intent of Coastal Management Element Policy 2.7, regarding the reduction of risk to public infrastructure, should be included in this element.

(D) Traffic Circulation:

Evaluation: The Traffic Circulation Element is intended to provide a "safe, convenient and efficient" transportation system for the County. The main thrust of the element is to maintain the adopted level of service (ratio of volume to capacity) of the roads within the County.

Recommendation: The County should consider the expected costs of improvements or reconstruction following a hurricane event during the evaluation and prioritization of future road projects. Several of the communities within the CHHA have a single access road to be used during an evacuation. The capacity of these roads should be considered when setting land use and density designations in the FLUE (see A above).

(E) Coastal Management Element:

Evaluation: The Coastal Management Element of the Wakulla County Comprehensive Plan (see Appendix 1) addresses mitigation by dealing with issues such as: protecting and restoring affected coastal resources; limiting exposure to risk by adopting appropriate design and construction standards and codes; limiting exposure by restricting development in high hazard areas; maintain-



ing current evacuation times by discouraging development in the CHHA; restricting the location of critical facilities, such as hospital and correctional facilities, as to facilitate evacuation; evaluating the opportunities for relocating facilities to reduce the risk from a hurricane event; evaluating new rezonings for their relationship to hurricane evacuation needs; providing information to citizens regarding storm safety; improving shelter capacity; incorporating the standards of the Peacetime Emergency Plan; pursuing funding for preparing a post-disaster redevelopment plan; and limiting development in areas damaged repeatedly by storms.

Recommendation: The Coastal Management Element provides an excellent policy framework for mitigation. The relationship between this and other elements could be improved by reflecting the intent of the objectives and policies of this element into the other elements of the plan.

(F) Conservation Element:

Evaluation: The policies of the Conservation Element call for protection of the natural functions of wetlands and floodplain which serve as reservoirs for flood waters. It also requires compliance with NFIP and FEMA standards. The element also calls for adequate disposal and storage of hazardous wastes and for public education regarding hazardous and toxic materials.

(G) Recreation and Open Space Element:

Evaluation: The Recreation and Open Space Element is intended to ensure the provision of adequate recreational facilities and enough open space to fulfill the community needs. The element also addresses public access to beach areas.

Recommendation: Any efforts to purchase lands for recreational facilities should also consider the benefits of the potential purchase in reducing the impact from hurricane events.

(H) Intergovernmental Coordination Element (ICE):

Evaluation: The ICE provides an outline for the coordination activities between the County and agencies that provide services within the area but do not have regulatory control over land use activities.

Recommendation: Emergency Management services are provided by the County, State and Federal governments. The need for these services is affected by the land use and development decisions made by the local government. Therefore, the ICE should include policies which involve the County's emergency manager in decisions that will impact the need for emergency services. The ICE should reflect the coordination between the emergency preparedness plans and the comprehensive plan suggested in Policy 2.11 of the Coastal Element.

(I) Capital Improvements Element (CIE):

Evaluation: The CIE provides an outline for the capital investments necessary to implement the comprehensive plan. It also defines the levels of service adopted for public facilities in the other elements of the plan. The Wakulla CIE includes a policy limiting public investment in the CHHA to discourage development.

(J) Economic Development Element:

Evaluation: This optional element sets activities aimed at increasing economic development within the County.

Recommendation: The Economic Development Element could be used to set policies that provide incentives for development in areas of the County that are better suited for development. A factor to determine suitability should be the impact that a development or land use would have on the County's expected damage potential from a hurricane event.

In general, the Wakulla County Comprehensive Plan includes appropriate objectives and policies to assist in the mitigation of impacts from hurricane events. Improvements in the internal consistency between the elements may better the chances for implementation of the policies.

#### City of St. Marks Comprehensive Plan

Emergency management services for Wakulla County are provided by the County. The County's Building Department and the Planning Commission operate countywide. Therefore, mitigation activities for the municipalities are more restricted to the location of land uses and coordination with the County and State agencies.

The Land Use Element of the City's plan is intended to ensure that development is directed to areas where public facilities are available. The Coastal Management Element states the intent to reduce the evacuation times and to prepare post disaster redevelopment plans. Implementing policies do not seem sufficient to effectively produce the intended effects.

It is recommended that the Town of St. Marks coordinates with the County in the development of countywide redevelopment plans and on mitigation measures to reduce the impact from hurricane events. This could be stated in the ICE of the City's plan.

#### City of Sopchoppy Comprehensive Plan:

The City of Sopchoppy is not located right on the coast or within the CHHA; therefore, the City's Comprehensive Plan does not include a Coastal Management Element. The plan does include policies regarding compliance with floodplain protection laws and FEMA regulations. The policies intended to protect wetlands and the natural functions of the floodplain will assist in reducing the impact from flooding during a hurricane event. the Plan does not address redevelopment or coordination for the purpose of emergency preparedness.

## Land Development Regulations:

The current Land Development Code for Wakulla County includes Zoning, Land Subdivision, Drainage and Flood Prevention Ordinances and the Building and Construction Code. In general, the current Land Development Code is not consistent with the policies of the Comprehensive Plan, as outlined above. Amendments to the Code are currently being prepared.

The following section provides an evaluation of the content of the Land Development Code as related to hurricane mitigation and recommendations on how it may be improved to address hurricane mitigation:

- (A) Zoning Code and District Ordinance: The zoning ordinance does not currently address hurricane mitigation.

Recommendation: The Zoning Ordinance must be consistent with the policies of the adopted Comprehensive Plan (see above discussion). The areas within the CHHA described in the "Land Use and Development" section have platted or developed most of their lots making it legally and politically difficult to change the zoning requirements. For this reason, the County may consider adopting a redevelopment plan that includes changes in the zoning requirements that are applied in the event the parcel is damaged. The "floating zone" requirements could be triggered by the percentage of damage to the structures.

- (B) Land Subdivision Regulations: The current Land Subdivision Regulations do not include any specific standards or policies to mitigate impact from a hurricane event. There is only a statement of intent regarding flood control and drainage.

Recommendations: The land subdivision regulations must be made consistent with the objectives and policies of the adopted Comprehensive Plan. A large portion of the land in the County has already been subdivided. The County may consider sunseting the approval of old, unsold subdivisions to ensure their compliance with



current regulations. In cases where lots are sold but not developed, the current zoning and building restrictions should apply.

- (C) Building Code: The Building Code should ensure a standard of resistance to hurricane forces, including flooding, storm surge, high winds and erosion. Wakulla County adopted the Standard Code, published by the Southern Building Code Congress International as its development code.

Recommendation: The effectiveness of the Code is tied to its enforcement. The County should ensure that builders are made aware of any changes to the Code. It is also important that the County ensure the building Department personnel is adequately trained and is capable of enforcing the adopted Code. A periodic evaluation of the activities of the Department should be performed to ensure adequate staffing and competency.

Manufactured housing units are one of the most common types of dwelling in Wakulla County. Since these structures are built following a Federal Code, their location should be restricted within the CHHA. Information regarding hurricane preparedness, evacuation and sheltering should be provided to persons requesting a permit for locating a manufactured home within the County.

- (D) Drainage and Floodplain Protection: The stated purpose of the Drainage and Flood Prevention Chapter in the Land Development Code is to minimize public and private loss due to floods. Section 11.063 deal in general with subdivisions. Section 11.066 addresses building standards within the CHHA. There are no specific standards for land subdivision or development.

Recommendation: If the County is going to address land development and building code issues in this separate section, consistency should be ensured with other ordinances and cross references should be included.

## Peacetime Emergency Plan (PEP), 1992:

Annex XVI of the County's Peacetime Emergency Plan (PEP) relates to Hazard Mitigation. The Annex is intended to provide an outline of the mitigation activities to be performed to reduce the impact from the hazards to which the County is exposed. In general, the PEP provides a description of the activities and specifies who is responsible for its implementation. Wakulla County's PEP lists the following general mitigation activities and programs: prepare a vulnerability analysis; coordinate planning for hazardous mitigation and other comprehensive planning issues; implement land use and development regulations; acquire hazards prone areas and encourage uses compatible with the hazard; implement informational programs; provide financial incentives and disincentives for development in hazards areas; review development to ensure consistency with adopted policies; provide technical assistance to communities to perform the mentioned activities. The Hazard Mitigation Element of the PEP is included in Appendix 1.

Recommendation: The listing of mitigation activities in the PEP does not include activities to be performed during the recovery phase of a hurricane event. The PEP or the County's Emergency Plan should ensure that recovery activities take into consideration mitigation of the impact of future incidents. The Plan should also ensure that the County coordinates mutual aid agreements to ensure adequate staffing of the permitting functions pursuant to the County's Land Development Regulations.

## Strategic Regional Policy Plans:

The current Apalachee Regional Comprehensive Policy Plan (ARCPP) addresses hurricane mitigation explicitly as an issue of public safety and indirectly in the marine resources, open space and natural systems provisions. In general, however, the ARCPP has not been an effective tool to provide direction for regional emergency preparedness activities.

The Florida Legislature in 1993 adopted major changes to the legislation that authorizes the regional policy plans. The old plans are to be replaced by the Strategic Regional Policy Plans (SRPPs). The Legislature required the regional planning councils

to address the subject of emergency preparedness. The SRPPs must also address regional transportation, protection of natural systems of regional significance and intergovernmental coordination. These changes provide a major opportunity for improving the connection between comprehensive planning and hazard mitigation.

The Apalachee SRPP should serve as a vehicle for coordinating emergency preparedness into the land use planning process. Local comprehensive plans are required to be consistent with the Regional Policy Plans on issues of regional importance. Hurricane preparedness is an issue of regional importance due to the potential impact of the event and the evacuation patterns of the Apalachee Region.

The Apalachee Regional Planning Council should involve local emergency managers as advisors for deliberating on policies to be included in the emergency preparedness section of the SRPP. The mitigation recommended above and in the next section should be considered during the preparation of the SRPP.

#### Current Enforcement:

The current staff of the Wakulla Planning and Building Departments is knowledgeable with regards to their duties. They are restricted, however, by the limited fiscal and personnel resources of the County. They are also restricted, in the case of planning, by the decisions that were made pursuant to older codes and ordinances, especially old subdivision regulations.

Training regarding mitigation alternatives and code enforcement could improve the efficiency of the staff, as mentioned within the text. Specific recommendations on how to improve the effectiveness of the land development regulations and building codes are also included within each section of the text.

#### Amending the Comprehensive Plan and Land Development Code:

The process for amending a local Comprehensive Plan in Florida is specified by Chapter 163, Florida Statutes and Chapter 9J-11, Florida Administrative Code. An amendment to the Compre-

hensive Plan must first be transmitted to the Florida Department of Community Affairs (DCA) and other agencies for review. The minimum time period of review is 30 days, assuming the local government requests the review, forty five days if an agency requests the review. The DCA then transmits an Objection, Recommendations and Comment (ORC) Report. Following the (ORC) Report, the local government must address the agency's concerns, adopt the amendment and submit it to DCA for compliance determination. The compliance determination must be done within forty five days of submittal to DCA. The amendment is not effective until it is found in compliance. The process of adoption routinely takes about six months.

The County also has additional procedures to follow when adopting an ordinance. Pursuant to the Wakulla County Code, a proposed ordinance must go through two public hearings before it is adopted. The first hearing in front of the Planning Commission must be advertised 15 days prior to the meeting. The second hearing by the County Commission must be advertised 30 days in advance.

Another critical issue in the Florida comprehensive planning process is public input. The process requires public participation and provides legal standing to challenge a plan or amendment as an affected party. Legal challenges to a plan or amendment may lengthen the planning process significantly.

The mitigation alternatives in the text of this report and the policies in Appendix 2 can be divided into those that will require changes to County ordinances and procedural changes. Procedural changes can be addressed more easily. Changes to the review of development permits, such as those suggested in Objective 2.2 of Appendix 2, will require a change in the County's Land Development Code. General policies to encourage development outside the CHHA, such as those under Objective 3.1 of Appendix 2, should be included in the Comprehensive Plan.

Every five years, each local government in the State must prepare an evaluation and appraisal report (EAR) on its comprehensive plan. Because the recommendations of this report deal with many different areas of the plan, it is suggested that the EAR process be used as a vehicle for the consideration of the recommendations in this report which deal with changes to the



comprehensive plan. Changes to the land development regulations must be addressed following the changes to the plan to ensure consistency between the plan and the ordinances. Any procedural changes could be addressed by staff.

## MITIGATION STRATEGIES

This section provides an evaluation of potential mitigation activities, their benefits and obstacles for implementation in Wakulla County.

To improve their chances for implementation, mitigation measures should be as simple as possible to administer. They should use and improve upon the ongoing governmental activities, procedures and resources. The following actions are alternatives for local consideration.

(A) Limiting development in the CHHA.

(1) Zoning: The following are alternative practices that the County may consider for inclusion in the Zoning Ordinance:

- (a) The County could reduce the allowable density in areas within the CHHA. The reduction of densities is a politically difficult action since it may have repercussions on land value. A cost/benefit analysis of the impact that a density reduction could have on land values versus the impact that development at the allowed density would have on damage potential to private structures and public infrastructure would help the County's deliberations and ensure a better decision. On the other hand, a detail study may be too costly.
- (b) The County could change the setbacks restrictions for lots contiguous to the coast. This could be done for undeveloped lots and for structures destroyed following a disaster event.
- (c) Specific land uses could be declared non-conforming and reconstruction of the same land use not allowed. The County should evaluate the benefits and costs of this action prior to adopting any changes.

- (d) The County could consider "special use permits" which allow a specific use if it meets certain conditions specifically stated in the ordinance. The conditions must apply equally to all property owners within the affected area and must not require concessions or commitments from the community.
  - (e) The County should consider prohibiting residential mobile homes within the CHHA. It is not possible for the County to regulate the construction standards for manufactured units, and securing the units would probably not be enough to reduce their damage from surge and wave impact. It should be noted that the taxable assessed value of manufactured units may not offset the cost of additional services and the replacement of public facilities if they are severely damaged by a storm.
  - (f) The County may consider the use of a "floating zone" with additional restrictions for development in areas that are susceptible to damage from a hurricane in their zoning ordinance. As envisioned, this will be a tool to bring to standard already developed areas following a hurricane.
- (2) Subdivision Regulations: The Land Subdivision Ordinance provides the opportunity to control the land uses, density, configuration and layout of development. It also allows the County to ensure the provision of services and compliance with environmental regulations. The County may want to consider the following practices for inclusion in its subdivision ordinance:
- (a) Pursuant to the policies of the adopted Comprehensive Plan, the County will use Planned Unit Developments (PUDs) to approve development in a large parcel of land as a unit. This approach allows the developer more flexibility in the layout of the parcel. The PUD process could be encouraged for development or redevelopment of areas within the CHHA or areas which may be affected by hurricane surge, based on the new SLOSH information. The

PUD process could allow the developer the opportunity for changing lot shapes and provide vegetation buffers to reduce the impact from a hurricane. Development could be clustered, and roads and other public facilities could be located in the parts of the parcel that are less susceptible to damage from storm surge or wave action.

- (b) The County could require subdivisions in vulnerable areas to set the most susceptible parts of their parcels for non-intensive uses, such as recreation facilities. The County could also require subdivisions that will require evacuation to provide off-site shelter space or payment in lieu of shelter.
- (3) Land and Property Acquisition: The County may decide to acquire the land that is most susceptible to hurricane damage. The County may acquire undeveloped parcels or areas heavily damaged by a hurricane in order to avoid redevelopment. The County must evaluate, however, the impact the acquisition may have on the County's budget by reducing the amount of land on the tax rolls. For example, if the land is used for open space or recreational facilities, the land values next to it may increase. As mentioned in the economic description, Wakulla County already has a large amount of land and development that is exempted from taxation.

The County has options for land acquisition other than fee simple purchase. These include:

- (a) Purchase of development rights: a restrictive covenant will be attached to the parcel which will restrict the land for certain uses only.
- (b) The government could promote the donation of conservation easements or scenic areas as a federal tax deduction.



(B) Creating disincentives for development in the CHHA.

- (1) The County could consider the levy of impact fees for development that will increase the cost of emergency services related to a hurricane and/or the cost of infrastructure repair or replacement following a storm. The funds must be earmarked for these activities and must benefit the residents paying the fee. The ordinance dealing with an impact fee of this nature should include the methodology for estimating the potential impacts.
- (2) The County may decide not to extend public facilities or replace damaged public facilities within the CHHA. In the past, facilities have been provided to reduce the impact of pollution on coastal and marine resources from areas served by septic tanks. The pollution impact could be addressed by regulation of type and location of septic tanks in the CHHA.
- (3) The County may consider differential taxation based on the impact of development to damage potential. The risk assessment used for insurance purposes, in proportion to similar units in other areas of the County, could be used as a factor for determining the differential.

(C) Providing incentives for development outside the CHHA.

- (1) Using the information in the Comprehensive Plan, the County should designate the areas for which certain land uses are better suited. This information should be used for directing the economic development efforts of the County and should be reflected in the Regional Economic Development Program (OEDP).
- (2) The County should include reducing damage potential from hurricanes as one of the factors in evaluating capital improvements. The provision of infrastructure could be used as an attractor for development to the areas that are better suited, at the same time that development is restricted in areas within the CHHA or where damage potential from hurricanes is greater.

- (3) Differential taxation, as mentioned in B (3) above, could be considered an incentive for development outside the CHHA.

(D) Improving building/construction codes and compliance

- (1) The County should consider recommendations on building code improvements that are produced as a result from hurricane events in other areas. Information of how to improve the safety of buildings should be provided to builders requesting permits.
- (2) The County should ensure that, if repair or replacement of public facilities is needed, these will be done in a manner that will reduce their vulnerability from hurricanes. For example, the local government or agency in charge should consider moving, elevating or flood-proofing facilities, if repair or replacement is cost effective.
- (3) Personnel from the Building Department, Public Works and Planning and Zoning should be informed and trained on techniques to reduce the structure's vulnerability to hurricanes. Planning and Zoning Department personnel should be informed on non-structural mitigation activities. The resources available at the regional, state, and federal levels could be called upon to assist in maintaining the level of training and to provide information to local personnel.

(D) Protecting the natural coastal environment

The protection of the vegetation along the coast and the dune area provide some natural defense against the hurricane surge. However, most of the County's coast is low energy beach without a beach dune-system. Wetlands and floodplains, if operating properly, serve as reservoirs for flood waters reducing the effects to other areas. The County's Comprehensive Plan addresses the protection of these natural resources.

(E) Preparing for more efficient recovery and reconstruction

In order to avoid disruption in the recovery process following a hurricane event and to ensure the redevelopment of the CHHA is done in a way that reduces future damage potential, it is recommended that the County adopt post-disaster recovery goals, objective and policies within its comprehensive plan. Examples for these policies are found in Appendix 2. Specific activities and parties involved in the implementation of the policies should be incorporated in the County's Emergency Response Plan. The Emergency Response Plan should also address the allocation of resources available for these tasks.

Another action that may enhance the process of recovery, while improving the changes for mitigation, is the improvement of storage and retrieval of information. Parcel information and restrictions should be stored and available to personnel working in the permitting of development following a hurricane.

(G) Adopting or participating in public education programs

The County should participate in public education efforts not only dealing with response to a hurricane event but also regarding long term ways to reduce the damage. For existing homeowners, the Emergency Management Office, through civic and religious groups, should provide information on how to improve the wind worthiness of the structures and other measures to reduce the potential damage.

For new construction, the building department should ensure that the code is enforced and that information is provided at the permit stage regarding ways to improve the building's structural integrity. A self-assessment checklist could assist the building department in these efforts (see example list in Appendix 3).

## FUNDING MITIGATION ACTIVITIES

### LOCAL FUNDING SOURCES

County revenues are a mix of: ad valorem taxes, public utility or user charges; and, other taxes, fees and charges. Other funding options at the local level are impact fees, special assessments, establishment of Municipal Service Benefit Units or other special taxing districts.

As depicted in the Economic Description, the County government and the cities within Wakulla County are economically strapped. It is recommended that the local government try to use, to the largest extent possible, the current regulatory framework. However, it is expected there will be a cost to the County and local governments for the evaluation and amendment process of the regulations. The local governments should involve the resources listed in the next section. The local governments should also consider pursuing federal or state financial assistance for these activities.

For mitigation strategies that involve structural changes, such as improvements or relocations to facilities or roads, the local governments may consider the use of impact fees, special assessments, or differential taxation, as mentioned in the section on mitigation strategies. The County may also consider the pursuit of Federal or State funds for these activities.

### STATE PROGRAMS

In 1993, the Florida Legislature created the Emergency Management, Preparedness, and Assistance Trust Fund to assist in the implementation of the emergency management activities of the State. The law specifies the way the allocations from the fund will be disbursed. Of the 60% allocation of the total fund to be used for implementation of the state and local emergency management programs, 80% must go to local agencies and programs. Twenty percent (20%) was allocated for relief assistance in nonfederally declared disasters and 20% for a competitive grant program to implement the State's emergency preparedness objectives.



The funds must not supplant existing funding. These funds, although restricted, allow for better staffing of the local emergency management offices.

Although not explicitly mentioned as a mitigation alternative, the Development of Regional Impact Program, implemented pursuant Chapter 380, Florida Statutes, provides for regional review of development that, because of their nature, location or size, may have a multi-jurisdictional impact.

One of the mitigation alternatives mentioned above was the acquisition of areas that have the highest risk or that have been historically damaged during a hurricane. There are several state programs that provide funds for land acquisition. These include:

- (A) The Conservation and Recreation Lands (CARL) Program - Funds from the CARL program, administered through the Department of Environmental Protection (DEP), are used to purchase properties that have valuable natural resources; are necessary to protect air, and water quality; and/or provide for natural resource based recreation. Local governments, among others, may propose properties for acquisition. Properties are listed and ranked based on their importance to the implementation of the State goals (see Appendix 4 for rules).
- (B) Florida Communities Trust Fund - The Community Trust Fund was established pursuant to the Florida Preservation 2000 Act. Local governments are eligible for grant funds, which may require match. The matching requirements are defined in the program's rules (Chapter 9K-4, Florida Administrative Code, See Appendix 4). The grants are intended to assist in the implementation of the objectives of the Conservation, Recreation and Open Space, and Coastal Management elements of the local comprehensive plans.
- (C) Other programs that may be used for land acquisition include: the Rails-to-Trails program and the Florida Recreation Development Assistance Program, administered

by DEP; the Save Our Rivers and Save Our Coasts; and the Water Management Land Trust Fund (See Appendix 4)

#### FEDERAL PROGRAMS

National Flood Insurance Program - The NFIP provides subsidized insurance to homeowners in coastal areas. In order to participate in the program, the local government must comply with the federal regulations related to the program.

FEMA's Hazard Mitigation Grant program - Under this title, there are two separate programs: the site specific mitigation (Section 406 of the Disaster Relief and Emergency Act) and grants for implementation of long term hazard mitigation measures (Section 404). Funds from Section 406 require a state/local match of 25 percent and are part of the approved Damage Survey Report authorized by federal/state/local officials. Section 404 funds require a 50% match and must be approved separately.

In addition to the specific mitigation funds, FEMA's public assistance funds can be used for repairing damage to public facilities, such as roads, public buildings and equipment, utilities, etc. Repairs to public facilities should be accomplished in such a manner as to reduce future expected damage based on the vulnerability analysis for the area.

## OTHER TECHNICAL ASSISTANCE RESOURCES

The fiscal and administrative constraints of Wakulla County create an obstacle in the implementation of mitigation activities. It is important that the County and municipalities utilize their available resources to the maximum extent possible. There are several agencies and organizations that may be a source of technical assistance for Wakulla County efforts on hurricane mitigation. These include:

- (A) Florida Department of Community Affairs, Division Of Emergency Management (DEM).

The DEM is the state agency in charge of emergency activities. The DEM may provide Wakulla County and its municipalities with technical assistance in areas related to all phases of emergency. The DEM can also provide training and information to be used by the County and municipalities in their mitigation efforts.

- (B) Apalachee Regional Planning Council (ARPC).

The ARPC provides technical assistance to the local governments located within its jurisdiction. Assistance is provided, at request of the local government, in different areas such as comprehensive planning, model ordinances, available training and other hazard mitigation activities. The ARPC also provides a forum for coordination with neighboring jurisdictions and for information dissemination.

- (C) Florida Association of Counties (FAC). The FAC provides Counties in the State with technical assistance in different areas. The FAC could serve as a resource for information and training for improvements in administrative capacity.

- (D) Department of Environmental Protection (DEP) - In addition to administering the land acquisition programs mentioned above, the DEP may provide information and technical assistance regarding the State's coastal protection programs.

**APPENDIX 1**

**WAKULLA COUNTY COMPREHENSIVE PLAN  
COASTAL MANAGEMENT ELEMENT**

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GOALS, OBJECTIVES AND POLICIES

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C O A S T A L   M A N A G E M E N T   E L E M E N T

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GOAL: TO MANAGE DEVELOPMENT ACTIVITIES WITHIN THE COASTAL AREA SO AS TO PROTECT COASTAL RESOURCES, TO PROTECT HUMAN LIFE, AND TO LIMIT PUBLIC EXPENDITURES IN AREAS SUBJECT TO DESTRUCTION BY NATURAL DISASTERS.

OBJECTIVE 1: The County shall protect natural resources in the coastal area by implementing the following ~~activities~~ policies. The County shall initiate a program of activities to prevent development of coastal wetlands and significant wildlife habitats without mitigation and to limit the impacts of ~~nearby~~ development from destroying the natural functions of existing coastal wetlands, and significant wildlife habitats, and estuarine environmental quality. The County will actively pursue grants and commit funding for studies to identify water related and dependent uses, and needed environmental protection and mitigation from marinas and boat ramp impacts.

Policy 1.1: Pursuant to Section 163.3202, F.S., within one ~~year~~, ~~By December 1992~~, the County shall revise its land development regulations to prohibit development of coastal wetlands or to require mitigation. Mitigation shall be permitted in lieu of preservation only through planned unit development or special use permitting procedures, giving the Board of County Commissioners the opportunity to review specific plans and to evaluate alternative development arrangements.

Policy 1.2: Pursuant to Section 163.3202, F.S., within one ~~year~~, ~~By December 1992~~, the County shall revise its land development regulations to provide that new pollution sources that will degrade coastal natural resources will be prohibited along the County's rivers and bays. Stormwater regulations will require measures to prevent pollution of water bodies in coastal areas to preserve estuarine environmental quality by new development. Dumping of debris of any kind in coastal waters shall be prohibited. Septic tanks and drain fields for new development shall be set back ~~a minimum of one hundred (100) feet~~ from the shoreline of wetlands pursuant to Rule 10D-6, F.A.C., as amended.



Policy 1.3: Pursuant to Section 163.3202, F.S., within one year, ~~By December 1992,~~ the County shall revise its land development regulations to require FDER review of land development proposals located on property in close proximity to a coastal wetland or significant wildlife habitat to include drawings and other data showing how such coastal wetlands or wildlife habitat will be affected by surface water runoff or other impacts of the development. All development proposals will continue to be reviewed pursuant to the existing and revised Land Development Code to protect coastal and estuarine environmental quality.

Policy 1.4: Pursuant to Section 163.3202, F.S., within one year, ~~By December 1992,~~ the County shall revise its land development regulations codes to require coordinated FDER review of proposals located in close proximity to a coastal wetland. Where the FDER reviews development proposals and identifies existing disturbed areas on site which were originally coastal wetlands and which can be restored, the County shall provide the applicant with information on methods for restoring the wetlands which modifications can be incorporated into the proposed development plan. The Land Development Code standards shall require restoration or mitigation as determined through the mandatory review process.

Policy 1.5: Pursuant to Section 163.3202, F.S., within one year, ~~By December 1992,~~ the County shall revise its land development regulations codes to require that where existing or restored coastal wetlands are included in a planned unit development, a DRI, or a FQD development proposal, provisions shall be made to ensure the permanent ownership and control of such wetlands by a government agency or by a private organization established for the purpose of preserving and protecting such areas (such as a homeowners association).

Policy 1.6: ~~By December 1992,~~ The County shall include in its planning and design of public infrastructure projects, a review of the impacts by such proposals of such projects on coastal wetlands and wildlife habitats, and shall include mitigation at a two to one ratio of identified adverse impacts in project specifications. Structures which constrict or divert the flow of waters in rivers and bays shall be regulated not be permitted. The County shall initiate a program of activities to protect living marine resources and maintain estuarine environmental quality by improving water quality. New or substantially modified structures shall not constrict or divert the natural flow of water or floodwater.

Policy 1.7: Pursuant to Section 163.3202, F.S., within one year, By December 1992, the County shall revise its land development regulations codes to require retention of the first one-half (1/2) inch of rainfall. in any storm. Such retention shall be on-site or in a public or community drainage facility designed to allow settling and/or absorption of surface pollutants prior to discharge into the natural drainage system and to enhance the quality of sensitive coastal and estuarine habitats.

Policy 1.8: Pursuant to Section 163.3202, F.S., within one year, By December 1992, the County shall revise its land development regulations codes to require planned unit developments, DRI's and FQD's to restore disturbed estuary shoreline areas and natural drainage systems. Where such areas are included in a proposed planned unit development, DRI's and FQD's to restore disturbed estuary shoreline areas and natural drainage systems. Where such areas are included in a proposed planned unit development, permanent ownership and control of estuary shoreline areas and natural drainage systems by a government agency or by a private organization established for the purpose of preserving and protecting such areas.

Policy 1.9: Pursuant to Section 163.3202, F.S., within one year, By December 1992, the County shall revise its land development regulations codes to require the evaluation coordinated review of all any proposed development to coordinate with any applicable resource management plan, aquatic preserve plan, or estuarine sanctuary plan, in or adjacent to coastal areas with applicable resource management agencies including but not limited to the Big Bend Seagrass Aquatic Preserve Management Plan, the Alligator Harbor Aquatic Preserve Management Plan, the Apalachicola Bay Aquatic Preserve Management Plan, and the Apalachicola National Estuarine Research Reserve Management Plan.

Policy 1.10: Pursuant to Section 163.3202, F.S., within one year, Within two years of the adoption of the plan, the County shall propose interlocal agreements with adjoining coastal counties and cities in Wakulla County to coordinate the review plans for public infrastructure and/or land development to reduce pollution sources, and to manage stormwater runoff and identify coastal wetland and estuary pollution from marinas and boatramps.

Policy 1.11: Within two years of the adoption of the plan, The County shall include in its planning and design of public

infrastructure projects a review of impacts of such projects on coastal wetlands, estuarine resources, and living marine resources, and shall include mitigation of identified adverse impacts in project specifications.

Policy 1.12: ~~Within two years of the adoption of the plan,~~ the County shall designate the lands under lease from the Department of Natural Resources (DNR) on Mashes Sands Island as a County bird sanctuary.

Policy 1.13: Beach renourishment projects shall be limited to the winter and spring months in order to protect probable sea turtle nesting areas.

Policy 1.14: In order to protect manatees which migrate through Wakulla County between April and November each year, "No Wake" speed limits signs ~~shall be~~ have been posted and are enforced (through the Department of Natural Resources grant programs) in rivers and landings where manatees have been sighted. The County shall actively seek grants to identify and initiate ~~initiate a program of~~ activities to prevent the destruction of coastal barriers, prevent development of beaches and dunes, establish construction standards to protect beach and dune systems and restore altered beaches.

Policy 1.15: Pursuant to Section 163.3202, F.S., ~~within one year. By December 1992,~~ the County shall revise its land development ~~regulations codes~~ to prohibit development on Mashes Sands beaches and dunes unless specific standards are met to prevent destruction of dune vegetation. Where development is proposed on dunes, planned unit development or special use permitting procedures shall be required, giving the Board of County Commissioners the opportunity to review specific plans and to evaluate alternative development arrangements and conditions. Proposals involving planned unit developments, DRI's and FQD's shall include restoration of degraded dunes and provisions to ensure the permanent ownership and control of dunes systems by a government agency or by a private organization established for the purpose of preserving and protecting such areas.

Policy 1.16: Pursuant to Section 163.3202, F.S., ~~within one year. Within two years of the adoption of the plan,~~ the County shall establish ~~a dune preservation zone will be established~~ at Mashes Sands Park.

Policy 1.17: Within ~~two years~~ one year of the adoption of the plan, the County shall include in its planning and design of public infrastructure projects, a review of proposed development impacts ~~on such projects~~ on beaches and dunes systems, and shall include mitigation of identified adverse impacts in the project approval conditions. ~~specifications.~~

Policy 1.18: Pursuant to Section 163.3202, F.S., within one year, ~~By 1992,~~ the County shall develop additional data and analysis to support specific programs under this element. Where the new data and analysis indicates the need to revise specific policies or implementation programs, this will be done in the first round of the plan amendments after the data and analysis is complete. Specific data and analysis shall include: (a) a List (and map) of existing shoreline uses for the gulf coast and major bays and rivers in the coastal area showing which are water-dependent, which are water-relater and which are neither, and analyzing the existing and potential conflicts which might result in result from the implementation of the plan; (b) a list (and map) of marine and estuarine pollution and non-point sources of pollution with particular emphasis on marine related sources; (c) a list of state, regional and local pollution control programs which can be used to address marine water quality issues ; (d) a list of coastal structures and areas which have been subject to repeated damage from coastal storms; (e) a list (and map) of public facilities located in the coastal high hazard area indicating service areas, capacity, and replacement/modernization plans; and (f) identification of potential beach renourishment areas.

Policy 1.19: Pursuant to Section 163.3202, F.S., the County shall revise its land development codes to improve or maintain existing estuarine environmental quality.

OBJECTIVE 2: The County shall limit exposure of its citizens to risk from hurricanes by implementing the following ~~acti-~~  
~~ties~~ policies:

- (A) Pursuant to Section 163.3202, F.S., within one year. ~~By December 1992,~~ the County shall revise its land development ~~regulations~~ codes and procedures to establish and enforce development and construction standards, as provided in the following policies.

Policy 2.1: The County shall enforce applicable state and FEMA standards regarding the design and construction of structures

located, and mobile homes placed or replaced, within the coastal high-hazard area. In addition, the County will discourage high density growth in the coastal high hazard zone by reviewing the impacts of higher density development on evacuation times and facility capacity.

Policy 2.2: The County shall revise its land development regulations to conform to standards of the Federal Emergency Management Agency (FEMA) with respect to the construction of buildings in the floodplains, the design and construction of utilities (including septic tanks and sanitary sewer systems) in floodplains, and the preservation of identified floodways.

Policy 2.3: The County shall require stormwater management systems developed in coastal high hazard areas to allow for evacuation, by techniques such as, but not limited to, locating facilities away from access corridors and by providing road drainage.

Policy 2.4: Land uses and land development shall be arranged so that high risk facilities such as, but not limited to, nursing facilities, hospitals, and correctional facilities are located so as to facilitate evacuation.

Policy 2.5: ~~Within two years of the adoption of this plan,~~ The County shall ~~propose to continue to coordinate with the~~ adjoining local governments the joint review of surface water runoff patterns to determine if activities in any one jurisdiction will create hazards to adjoining ~~in~~ coastal communities.

- (B) The County shall, through the following program of activities, direct population concentrations away from the coastal high hazard area and limit public expenditures that subsidize development in the coastal high hazard area, except for restoration or enhancement of natural resources, and or removal of existing deficiencies.

Policy 2.6: The boundary of the coastal high hazard area, pursuant to Rule 9J-5.012, F.A.C., and Chapter 161, F.S., is shown on the Future Land Use Map series. By As of July 1992 and after any significant storm event, the County shall review data on coastal area damage and determine if revisions to this delineation will be required. In addition, any applicable changes to the Coastal Construction Control Line shall be reviewed. When any changed data indicates the need to modify



the Future Land Use Map series, such modification shall be proposed during the next regular plan amendment cycle.

Policy 2.7: ~~Within two years~~ As of the adoption of the plan, the County shall initiate a study to direct the include in its planning and design of public infrastructure projects, as they relate to proposed development impacts, the potential for exposure to risks and hurricane evacuation needs. a review of impacts of such projects on exposure to risk and on evacuation needs. As existing public infrastructure facilities are found to be inadequate or obsolete, prior to replacement, require replacement due to inadequate size or obsolescence, and before replacement occurs in the same location, the County will make an analysis of the opportunities and costs for relocating the facility to an area ~~or areas~~ that is less exposed to risk. ~~s associated with coastal areas.~~ Where a facility can be replaced or relocated away from the coastal high hazard area, this will be done. Improvements to evacuation roadways shall be designed to ensure that travelways will remain above the 100-year flood elevation and that local drainage systems are designed and maintained to prevent the premature closing of evacuation routes.

Policy 2.8: Beginning in December 1992, land use decisions (including rezonings and amendments to the Future Land Use Map) in the coastal high hazard area shall consider the nature of the proposed land use and its relationship to hurricane evacuation needs and conditions, along with its relationship to the economic development needs, the environmental protection needs, and the infrastructure capacity in coastal areas. Land use plan changes in the category 3 vulnerability zone shall not be approved unless: (a) the change is made to reflect existing conditions; (b) the change results in a lower density; or (c) the applicant provides mitigation or makes contributions (i.e., impact fees, etc.) to improve evacuation capacity.

Policy 2.9: Prior to the beginning of hurricane season each year, the County shall provide information through the local media about potential risks and about storm safety and evacuation procedures. All residents in coastal high hazard areas will be urged to evacuate.

Policy 2.10: By 1995, the County shall designate additional shelter capacity for five hundred (500) evacuees.

- (C) The County shall ensure that, ~~by 1995, existing~~ hurricane evacuation times ~~will not be reduced over 1990~~ shall be maintained and shall prepare and update post disaster redevelopment plans which will reduce risks to life and property, based on the following program of activities, and revise the land development codes accordingly.

Policy 2.11: ~~By 1993, Within two years of the adoption of the plan,~~ the County shall evaluate and incorporate the hazard mitigation standards to the Peacetime Emergency Plan and shall evaluate the deficiencies identified in the hurricane evacuation analysis for incorporation into the Capital Improvements Element and the capital improvements program.

Policy 2.12: Within ~~one year~~ two years of the adoption of the plan, the County shall evaluate opportunities for integration of County emergency preparedness procedures into the hurricane evacuation plan, and shall consider incorporating recommendations of interagency hazard mitigation reports into County procedures.

Policy 2.13: ~~Within two years of the adoption of the plan,~~ The County shall continue to coordinate with ~~propose to~~ adjoining local governments ~~the a~~ joint review of opportunities and methods for reducing exposure to natural hazards.

Policy 2.14: ~~Within two years of the adoption of the plan,~~ The County shall continue to actively pursue state and FEMA grants to prepare and/or update ~~the~~ post-disaster redevelopment plans to identify immediate repair and clean-up actions to protect health and safety and to identify long term repair and redevelopment activities. These plans will provide criteria for determining the appropriate action (i.e., removal, relocation, and/or modification) of damaged infrastructure and unsafe structures. Areas subject to repeated damage will be identified and redevelopment of these areas will be limited to low investment and low impact activities and to activities which must locate in such areas for operational reasons.

OBJECTIVE 3: The County shall establish a program of activities to provide for development and redevelopment in coastal areas so as to enhance the local economy through the utilization of existing water oriented communities and activities which ~~to~~ provide for the development of shoreline uses ~~which that~~ give priority to water dependent uses, and ~~to~~

identify necessary public improvements to support appropriate coastal development but do not degrade existing estuarine environmental quality. The County shall amend its land development codes within a year of plan adoption based on grant funding studies to be conducted within that time period that will address shoreline protection and marine siting standards consistent with FDNR and FDER siting standards.

Policy 3.1: Pursuant to Section 163.3202, F.S., within one year, By December 1992, the land development ~~regulations codes~~ shall be revised to include provisions for the review of proposals for siting of water dependent and water related uses, including marinas. The regulations shall include, but are not limited to, criteria which address: land use compatibility; availability of upland support services; existing protective status or ownership; hurricane plans; protection of water and estuarine environmental quality, water depth, environmental disruptions and mitigation actions; availability for public use; economic need and feasibility; and, protection of threatened or endangered species. In developing performance standards for shoreline development, no provision shall be more relaxed than would be the case for non-coastal development, except where such relaxed standard is necessary to address the unique nature of shoreline development and/or to implement the goal and objectives in this element.

Policy 3.2: Within two years of Subsequent to the adoption of the plan, the County shall propose to adjoining local governments the joint review of opportunities for providing adequate sites for water dependent uses.

Policy 3.3: Within two years of Subsequent to the adoption of the plan, the County shall include within its annual review of the capital improvements program an analysis of existing and needed infrastructure to serve coastal development consistent with coastal resource protection and hurricane evacuation.

OBJECTIVE 4: The County shall enhance the public benefit of coastal areas for recreational, educational, cultural, and economic uses by increasing access to beaches and shoreline areas and by identifying and protecting historic resources in the coastal area through the implementation of the following program of activities.

Policy 4.1: Pursuant to Section 163.3202, F.S., Within two years of the adoption of the plan, the County shall revise its

~~Land Development Code to the County will provide physical public access to beaches by providing parking areas and marked (signed) access points at all points where the County owns access rights, by coordinating public transportation schedules and service with beach access points, and by reviewing planned unit developments, DRI's and FQD's to secure additional access facilities. The County shall upgrade and repair existing designated parking prior to establishing new public parking access facilities. The County shall cooperate with FDOT to designate state highway right-of-ways for beach access parking. The County shall include parking facilities in future plans for new beach access facilities.~~

~~Policy 4.2: Within two years of the adoption of the plan, The County shall enforce public access to beaches renourished at public expense through prohibitions on privately maintained access requirements of the Coastal Zone Protection Act of 1985. By 1992, vehicular traffic will be prohibited on beaches, and existing public beach access points shall be identified for acquisition.~~

~~Policy 4.3: Within two years of Subsequent to the adoption of the plan, the County shall propose to adjoining local governments the joint review of opportunities for providing public access to beaches and shorelines.~~

~~Policy 4.4: By December 1992, the County will revise its land development regulations codes to include review procedures and performance standards for preservation, development and or sensitive reuse of historic resources located within coastal areas. Procedures shall include requirements for impact studies before any building permit or rezoning is issued within one quarter (1/4) mile of adjacent to any Department of State, Master Site File designated natural or historic site.~~

~~Policy 4.5: Pursuant to Section 163.3202, F.S., within one year, Within two years of the adoption of the plan, the County shall designate as scenic facilities Mashas Sands Park, all land leased from the Department of Natural Resources, and Lighthouse Point.~~

APPENDIX 2

POLICIES FOR POST DISASTER RECOVERY



## POLICIES FOR POST-DISASTER RECOVERY

GOAL 1: To reestablish the economic and social viability of the community in a timely and orderly fashion.

Objective 1.1 To set up a structure for organizing post-disaster redevelopment activities.

Policy 1.1.1 Create a post-disaster redevelopment task force to guide pre-disaster mitigation activities and post-disaster recovery.

Policy 1.1.2 The task force shall be created by ordinance by (date). The ordinance shall detail when the task force assumes its role and when that role is completed.

Policy 1.1.3 The task force should include the following members:

- policy maker
- County attorney
- police and fire official(s)
- community development official(s)
- public works/utilities officials(s)
- finance/budget official
- county school board
- county red cross
- county emergency management
- private utilities

Objective 1.2 Ensure damage assessment is conducted quickly and efficiently.

Policy 1.2.1 A damage assessment team will be identified for the County.

Policy 1.2.2 Damage assessment procedures will be coordinated with FEMA, State DEM and Red Cross. Survey forms, terms and procedures should be standardized throughout the County (see Annex for Sample Point System from South Carolina).

- Policy 1.2.4 County staff will stay informed regarding Federal and State resources for post-disaster recovery.
- Objective 1.3 Establish necessary personnel and procedures for planning that accommodate the emergency nature of redevelopment such as additional personnel, special permitting and on-site certification of structures.
- Policy 1.3.1 Develop criteria which qualify a structure to be approved for rebuilding under a General Disaster Repair Permit that can be used in the aftermath of a hurricane to streamline the review process of minor repairs. Designate personnel to oversee this process at a location other than that which will receive other rebuilding applications.
- Policy 1.3.2 Structures experiencing total destruction shall be visibly labeled condemned by a local official.
- Policy 1.3.3 The County will evaluate the long-term needs for capital facilities planning immediately following a hurricane and, if necessary, an amendment to the Capital Improvements Element of the Comprehensive Plan will be transmitted to the DCA for a determination of consistency.
- Policy 1.3.4 County staff will initiate coordination with State and Federal staff to obtain assistance in relocating public facilities or repairing them in place.
- Policy 1.3.6 As part of its planning efforts, the County should identify and designate areas that can be used for residential housing relocation. These areas may be large open areas where mobile homes can be brought in.
- Objective 1.4 Establish a schedule that allows an orderly procession of reviewing private and public redevelopment proposals after a hurricane.

Policy 1.4.1 Effective immediately upon the declaration of a countywide disaster area by the county administrator or the Governor of Florida a moratorium on all previously approved development orders, building permits and review procedures in progress will be instituted. Moratoriums will be lifted according to the following policy priorities.

- (a) \_\_\_ days after lifting the state of emergency by the local government or State official, public facilities subject to major damage and which create a public threat to the health, safety and welfare shall be able to apply for building permits for repair. Public or private structures destroyed that pose an immediate threat to residents if they collapse, should be immediately assessed for insurance purposes and destroyed. Private facilities which require minor repairs and qualify to apply under the General Disaster Preparedness Permit, may apply for repair.
- (b) \_\_\_ days after lifting the state of emergency by the local government or State official, private or public facilities which were destroyed (damage in excess of 50% of the replacement value) may apply for building permits.
- (c) Unless otherwise decided by local officials, \_\_\_ days after lifting the state of emergency by the local government or State official, previously approved development orders and review procedures will revert to their pre-disaster status.

Policy 1.4.2. The above mentioned timeframes may be extended or reduced by local decision makers as deemed necessary.

GOAL 2 Reduce the loss of life and property in any future hurricane.

Objective 2.1 Local building and permitting officials will ensure adherence to the construction code in order to limit the potential for future loss of property.

Policy 2.1.1. Except for facilities requiring access to the waterfront or those needed to maintain or improve hurricane evacuation times, all public facilities destroyed in the CHHA shall be relocated.

Policy 2.1.3 Coordinate with private utilities to floodproof replacement of utilities.

Objective 2.2 Establish a procedure to review proposals for redevelopment and policies to guide redevelopment decisions.

Policy 2.2.2 The review of redevelopment permits for structures experiencing major damage, or proposing more than 50% of value in major additions or changes to the existing pre-disaster structure, shall be guided by the following redevelopment priorities.

- (a) Where feasible, reduce the pre-disaster density of residential development which experienced major damage.
- (b) Encourage the relocation of structures within the CHHA experiencing major damage. Insurance should not be subsidized for those structures that have been frequently damaged by storm events.
- (c) All structures that experience major damage shall be designed and rebuilt consistent with the adopted future land use plan map and current building codes
- (d) Non-conforming uses (according to the adopted future land use plan map, zoning code, or building codes) damaged outside of the CHHA should not be allowed to be rebuilt only if consistent with current codes and ordinances.

- (e) Certificates of occupancy and permitting of redevelopment shall be conditioned upon the provision of services to that structure necessary for health and safety.

Policy 2.2.2. Coordinate redevelopment of shoreline areas with the Florida Department of Environmental Protection.

Policy 2.2.3 The review of redevelopment permits for structures experiencing minor damage shall be guided by the following redevelopment priorities.

- (a) Structures experiencing minor damage shall be allowed to rebuild pre-disaster square footage consistent with the existing land use plan map and current building regulations.
- (b) Certificates of occupancy and permitting of redevelopment to pre-disaster square footage of private structures which experienced minor damage shall be conditioned upon the provision of services to that structure necessary for health and safety.

Policy 2.2.4 All private redevelopment which was destroyed or suffered major damage shall be guided by the following redevelopment priorities.

- (a) Develop new street patterns in destroyed areas to accommodate the clustering of structures away from the CHHA and attempt to remove structural/physical patterns which increase the susceptibility of development to hurricane hazards.
- (b) Residential development densities shall not exceed pre-existing development without the provision of enhanced evacuation methods.



- (c) Floor area ratios for commercial and office redevelopment shall not exceed those established in the adopted future land use plan map.
- (d) Prohibit the relocation of mobile homes and manufactured housing within the CHHA.
- (e) Property abandoned as a result of hurricane damage shall be considered for acquisition by the local government.
- (f) Those lots that are destroyed and replaced by tidal waters will be condemned by the building official and subject to relocation.

**GOAL 3** To provide a general outline for redevelopment efforts.

**Objective 3.1** Provide public facilities and services which guarantee the health, safety and welfare of the community and reduce future expenditures for public infrastructure in the CHHA.

**Policy 3.1.1** Repair in place facilities which are essential to the immediate health, safety or welfare of citizens, or work to provide the impaired service to residents through alternative means.

**Policy 3.1.2** Public facilities in the CHHA which have been destroyed or suffered major damage shall be encouraged to relocate out of the CHHA consistent with the adopted future land use map and rebuilt to current local, State and Federal construction standards.

**Policy 3.1.3** Public facilities which must function during a hurricane, such as, police and fire stations, electrical power-generating substations and communication facilities, shall be relocated from the CHHA if they were destroyed or suffered major damage.

Policy 3.1.4 Public facilities which experienced minor damage in the CHHA shall be rebuilt in place to current local, State and Federal construction standards.

ANNEX  
DAMAGE ASSESSMENT AND APPRAISAL POINT SYSTEM

<u>Building Components</u>	<u>Percentage of Total Structure</u>	<u>Percentage Structure Undamaged</u>
Foundation or pilings	25	
Exterior and interior load bearing walls and beams	25	
Roof System - joists (rafters, decking and coverings	15	
Flooring	5	
Doors and windows	5	
Decks, porches or stairs	5	
Electrical, plumbing, heating & air systems	10	
Septic tank, drain fields or	<u>10</u>	
	100	

Note: This point system was developed by the South Carolina Coastal Council to use in performing damage assessments and appraisals in determining the extent of structural damage.

How to use: The number listed under the Percentage of Total Structure column represents the percentage of that component, relative to the entire structure. To use this table, if a damaged building has 60% of its foundation or pilings damaged and 40% undamaged, the assessor would multiply 25 times 40% ( $25 \times .4 = 10$ ) and record 10% in the column labeled Percentage Structure Undamaged. The assessor will apply the same methodology for each building component and add them together to determine the Total Percentage Undamaged.

Source: SFRPC, 19--.

**APPENDIX 3**

**SELF ASSESSMENT CHECKLIST FOR CONSTRUCTION**

## BUILDING CONSTRUCTION CHECKLIST

This checklist is intended as a general guide for persons investing in shoreline properties.

### I. LOCATION

- A. BEACH ACCESS. Does the structure block access to public beaches?
- B. DUNE PROTECTION. Has care been taken to protect any dunes and their vegetation? Have the State and Federal requirements beach and dune protection requirements been met? If the structure is a multiple unit dwelling, motel, or subdivision, has a single joint access route or walkway to the beaches been planned?
- C. ZONING REGULATIONS. Does the building or building site plan conform to city and county zoning regulations regarding type of structure, setbacks, and other provisions of applicable zoning laws?
- D. BUILDING PERMITS. Have the necessary city or county building permits been obtained? Have requirements of local utility districts, if any, been met? Does the structure involve construction in wetlands or in navigable waters and require a permit from the U.S. Army Corps of Engineers or State DEP?
- E. EVACUATION ROUTE. Does the building site have an adequate means of evacuation in the event of a hurricane? Is the elevation of the evacuation route higher than the expected storm tide elevations?
- F. INSURABILITY. Have the requirements and recommendations of insurance companies been checked pertaining to minimum floor elevation and structural requirements to assure insurability?
- G. OWNERSHIP. Has particular attention been paid to boundaries between public owned and privately owned lands, especially on waterfront structures? If in doubt, check with local government.

## II. ELEVATION, EROSION & SUBSIDENCE

- A. CONSTRUCTION WITHIN FLOODPLAIN. Is the building within a designated floodplain area? Have city, county, and other applicable flood levels been checked? Have requirements and recommendations of applicable flood plain code requirements been met?
- B. FLOOR ELEVATION. Is the minimum floor elevation of the structure above flood levels established by applicable codes and requirements?
- C. BREAK-AWAY CONSTRUCTION. Do building codes require construction below flood level to be "break-away" construction?
- D. LOCAL EROSION RATES. If the structure is located near bay or gulf waters, have local erosion rates been determined?
- E. EROSION PREVENTION. Have measures been taken to prevent erosion due to wind and water runoff, including provision for adequate natural or planted vegetation?
- F. WHEN EROSION OCCURS. Should storm scour or erosion occur, is the foundation still adequate to support gravity and wind loads on the structure?
- G. SUBSIDENCE. Does the location have a history of ground subsidence or sinking? If so, has this been taken into account in design access, and hurricane evacuation routes? Have measures been taken to prevent subsidence in likely areas?

## III. WIND LOAD DESIGN

- A. DESIGN WIND VELOCITIES. Has the design wind velocity been determined on the basis of governing building code requirements or higher possible wind velocities? Has the effect of negative (suction) pressure been considered in the wind load design?
- B. BUILDING FRAME DESIGN. Has the structural frame been designed to withstand pressures and suction forces due to



required design or possible higher wind velocities? Have shape factors and the effect of roof slope been taken into account in calculating design wind pressure?

C. GENERAL BUILDING DESIGN. Have all building elements (doors, siding, railing, etc.) been designed to withstand forces due to required design or possible stronger occurring wind or velocities?

D. ADEQUACY OF DESIGN. Has the structure been designed by a registered professional engineer, qualified to do work in this field? Do building drawing have the seal and signature of a registered professional engineer?

#### IV. FOUNDATION DESIGN

A. WAVE FORCES. If the building is located within a flood-plain, has the foundation been designed to withstand wave forces and battering action from floating debris?

B. EROSION. Has the foundation been designed to adequately withstand the effect of erosion or scour due to wind and water runoff?

C. PILE FOUNDATION. If a pile foundation is used, are pilings driven deep enough below the scour zone to resist forces due to design or possible higher occurring wind pressures and wave forces after scouring has taken place?

D. PILE SPACING. Are the piles or other foundations spaced widely enough apart to allow free flow of flood water and runoff and withstand the effects of storm scour and erosion?

E. CORROSION RESISTANCE. Have pilings been properly treated to prevent damage due to constant moisture, salt water, marine borers and rot?

#### V. WOOD FRAME BUILDING CONSTRUCTION

A. SILL PLATE. Are sill plates securely attached to foundation by means of anchor bolts (or metal straps in the case of pile foundations) to resist uplift and lateral forces caused by design wind pressures?

- B. WALL CONNECTIONS. Are wall studs securely attached to sill plates and top plates?
- C. ROOF. Are rafters and joists securely attached to top plates?
- D. HURRICANE STRAPS. Are metal hurricane straps placed adequately?
- E. CONTINUOUS CONNECTION. Have metal straps been provided to insure a positive, continuous connection from the foundation to the structural members of the roof?
- F. MEMBER DESIGN. Have floor, roof and wall members been designed to carry additional loads due to higher design wind pressures?
- G. CONNECTION DESIGN. Are member connections and fasteners adequate to carry loads from high design wind velocities established for the area?
- H. WALL BRACING. Is diagonal wall bracing or properly attached plywood wall sheathing provided to resist high lateral loads on the structure?
- I. CORROSION. Are bolts, straps, plates, nails, and all other metal fasteners hot dip galvanized or otherwise protected from corrosion?

## VI. CONCRETE BLOCK BUILDING CONSTRUCTION

- A. DESIGN. Has the structure been designed by a registered professional engineer to resist pressures and suction forces due to design wind velocities established by the local code?
- B. VERTICAL WALL REINFORCEMENT. Has vertical reinforcing steel and concrete been provided at corners, openings, and at regular intervals along walls without openings?
- C. BOND BEAM. Has a properly designed reinforced concrete bond beam, which will resist uplift forces, been provided at the top of the wall, continuously around the structure?

- D. ROOF ANCHORS. Has the roof system been securely anchored to the bond beam to resist uplift forces due to design wind velocities?
- E. TIE TO FOUNDATION. Has vertical wall reinforcement been adequately tied to the foundation and to the bond beam to form a continuous tie from the foundation to the roof?

## VII. ROOFING, SIDING & TRIM

- A. ROOFING SYSTEM. Can you determine if the roofing system which is being used has been adequate in previous high wind situations?
- B. BUILT-UP ROOF. Are all layers properly adhered to previous layers and to the structural roof itself? Has loose gravel been eliminated from the roofing system to avoid damage to windows and other structures during high wind?
- C. SHINGLES. Has shingle exposure been decreased and fasteners added to reduce high uplift pressures on roofs?
- D. SECURELY ATTACH CORNERS AND EDGES. Have the corners and edges of shingles, roofing material, siding, and any other building elements been securely attached to prevent loosening during high winds?
- E. ROOF PANELS. If roof panels are used, have they been securely attached to the structural frame to resist design uplift pressure?
- F. WALL SIDING. Has a type of wall siding been used which can be affixed to provide enough strength to withstand design wind velocities?
- G. SHUTTERS. Have shutters been provided for all glass openings and any other opening which may need protection from high winds? Are shutters such a type that can be installed quickly and easily?

## VIII. UTILITIES

- A. TELEPHONE AND ELECTRICAL. Has all wiring been encased in a non-corrosive, water-tight conduit? Are all conduits placed in such a manner as to avoid damage due to flooding, erosion and floating debris? Have junction boxes and breaker boxes been located above flood level and in a place not subjected to driving rain?
- B. WATER AND SEWERAGE. Are all water and sewer lines constructed of a non-corrosive material and located to avoid damage and contamination due to flooding, erosion, and floating debris?

IX. QUALITY ASSURANCE

- A. PLANS AND SPECIFICATIONS. Does the contractor have a complete set of detailed construction drawings and specifications which cover all aspects of construction?
- B. CONTRACTOR. Is the contractor qualified and experienced in coastal construction?
- C. INSPECTION. Have arrangements been made to have a qualified registered professional engineer inspect the construction of the building? Have local building code regulations been checked and inspections made?

APPENDIX 4

INFORMATION ON STATE LAND ACQUISITION PROGRAMS



# FLORIDA DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399

4866

Lawton Chiles  
Governor  
Jim Smith  
Secretary of State  
Bob Butterworth  
Attorney General  
Gerald Lewis  
State Comptroller  
Tom Gallagher  
State Treasurer  
Bob Crawford  
Commissioner of Agriculture  
Betty Castor  
Commissioner of Education

## MEMORANDUM

DATE: July 16, 1992  
TO: Interested Parties  
FROM: Mary Anne Koos, State Trails Coordinator  
Bureau of Local Recreation Services  
Division of Recreation and Parks  
SUBJECT: Florida Rails-to-Trails Program/Florida National Scenic Trail  
Proposal Submission Period

The 1990 Legislature enacted the Florida Preservation 2000 Act, which provides for up to \$300 million to be bonded annually for environmental and outdoor recreation land acquisition in Florida. A portion of these funds (1.3 percent) were allocated to the Department of Natural Resources for land purchases under the Florida Rails-to-Trails Program (F RTP). This program was established in 1987 under Chapter 260.0141, Florida Statutes, for the purpose of acquiring abandoned railroad corridors for conversion to public recreational trails. The statute was amended in 1991 to also allow acquisition of segments of the Florida National Scenic Trail (FNST) corridor, utilizing the Preservation 2000 Rails-to-Trails funding.

In its recently concluded session, the 1992 Legislature approved additional funding for the Preservation 2000 Program. Consequently, the Division of Recreation and Parks is requesting proposals for new F RTP and FNST projects. Proposals may only identify projects for acquisition purposes. Proposals for development or management purposes are not eligible projects.

Attached is a Rails-to-Trails/FNST Land Acquisition Proposal Form that must be returned to us by August 15, 1992, if you would like to have an abandoned railroad corridor or FNST segment considered for funding under Preservation 2000. Also, attached is a summary of completed and underway Rails-to-Trails/FNST projects for your review; Chapter 260, Recreational Trails Act, Florida Statute and Chapter 16D-7, Florida Administrative Code, for further information on the selection criteria; and a map of the federally authorized corridor for FNST projects. Please feel free to contact us if you have questions whether a project would qualify for funding. If you have submitted a proposal in the past, please contact us in writing if you would like it to be considered for funding this year.

If you have any questions, please contact Bill Keenan or myself at the letterhead address, Mail Station 585, or by telephone at (904)487-4784 or Suncom 277-4784.

MAK/ks  
Attachments

**FLORIDA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF RECREATION AND PARKS**

**Florida Rails-to-Trails Program/Florida National Scenic Trail  
Land Acquisition Proposal Form**

**INSTRUCTIONS:** The purpose of this form is to provide sufficient information to determine the eligibility and suitability of projects nominated for Florida Rails-to-Trails Program and Florida National Scenic Trail acquisitions. This application must be filled-out in its entirety. Incomplete applications will be returned to the applicant for completion. Attach separate sheets as necessary. Please type or print neatly.

**PROJECT NAME:**

**1. General Information:**

a. Purpose of proposed project (Include potential trail activates):

b. Location (Show on DOT county road maps or USGS 7 1/2 minute quadrangle sheets):

1. County(ies):

2. Beginning point:

3. Ending point:

c. Ownership (If more than one owner, attach a list of owners and their agents along with a map clearly showing the location of each ownership):

Owner:  
Address:

Owners Agent:  
Address:

Telephone:

Telephone:

d. Estimated land value (Include explanation of how estimate was determined):

e. Availability for purchase:

**2. Description:**

a. Length of right-of-way:

b. Width of right-of-way:

c. Approximate acreage:

d. Condition of right-of-way:

1. Condition of roadbed:



2. Condition of trestles, bridges, culverts, and other structures:

3. Obstructions to trail development or use:

e. Resource characteristics (Include topography, aesthetic qualities, flora and fauna, distinctive features, etc. Address characteristics of adjacent land as well as abandonment):

f. Historic, archaeological, or cultural sites or features in the vicinity:

g. Adjacent land uses (Address zoning and current and proposed uses of the adjacent property):

h. Proximity to public parks and other recreational facilities:

i. Proximity and accessibility to water bodies:

j. Other potential destinations for trail users:

k. Proximity to service facilities (Include food, lodging, camping, service stations, etc.):

l. Existing easements, leases, crossroads/driveways:

m. Potential access points:

3. Local participation (Address any monetary or in-kind contribution from local governments agencies or citizen organizations toward acquisition, development, and/or management. Attach copies of resolutions, letters, etc.):

Submitted by:

Address:

Telephone:

Date Submitted:

Signature:

RETURN TO: Department of Natural Resources  
Division of Recreation and Parks  
Bureau of Local Recreation Services  
3900 Commonwealth Boulevard, Mail Station 585  
Tallahassee, Florida 32399-3000

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FOR OFFICIAL USE ONLY:

Date received:  
Meets basic qualifications? Y N  
Application complete? Y N  
Date additional information requested:  
Date additional information received:  
Application complete? Y N

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Florida Rails-to-Trails Program

Department of Natural Resources  
Division of Recreation and Parks

SEQUENT NAME	LOCATION (COUNTY)	APPROX MILEAGE	APPROX ACREAGE	COMMENTS
1. Gainesville - Hawthorne Rail Trail	Alachua	18.5	202	Acquired December 1980. Developed and opened to public January 1992. Capable of accommodating multiple trailways. Passes through areas of outstanding resources and visual quality. Parallels county road for 3.8 miles east of Prairie Creek. Existing vegetation provides generally adequate visual barrier. Links local trails and bicycle routes with Boulware Springs Run, Paynes Prairie State Preserve, Prairie Creek, a designated DOT bicycle route, and two proposed CARL projects. Helps buffer Preserve from incompatible residential or commercial uses. Has potential for attracting users statewide, as well as high-level of local use. End points are accessible by major transportation routes.
2. Withlacoochee State Trail	Citrus, Pasco, Hernando	47.8	563	Acquired December 1980. Under development. Capable of accommodating multiple trail ways. Passes through area of outstanding resources and visual quality. Few areas of low visual quality. Parallels US 41 for about 17 miles and state forest and county roads for about 8.5 miles. Existing vegetation provided generally adequate visual buffer. Links together Ft. Cooper State Park, the Citrus and Croom tracts of the Withlacoochee State Forest, two local parks, the Florida Trail, a designated DOT bicycle route, and the Withlacoochee River State Canoe Trail. Potential for linkage with trail systems in the Ocala National Forest via Cross Florida Barge Canal right-of-way. Gopher tortoise nesting areas observed on the ROW. Has potential for attracting users statewide, particularly from the Orlando and Tampa Bay areas. End points are accessible by major transportation routes. Intermediate access points available.
3. General James A. Van Fleet State Trail	Sumter, Lake, Polk	27.5	460	Acquired December 1980. Under development. Capable of accommodating multiple trail ways. Passes through Green Swamp for two-thirds of its length. Provides near-wilderness experience in the more remote areas. Few areas of low visual quality. Natural vegetation provides buffer in some areas outside the wetlands areas. Links publicly owned land in the Green Swamp with Richloam Unit of the Withlacoochee State Forest. Could attract users statewide. Within 50 miles of the Orlando and Tampa Bay metropolitan areas. Accessible by major transportation routes. Six intermediate access points available.
4. Blackwater Heritage Trail	Santa Rosa	8.5	96.5	Active project. Temporary possession transferred to DNR from National Park Service 1990. Undergoing review for environmental contamination. Capable of accommodating multiple uses. Passes through urban, suburban, and agricultural areas. Adjacent lands are primarily residential and agricultural. No areas of low visual quality. Links downtown Milton to Whiting Field Naval Area. Has potential to become part of a larger trail system including the proposed 12 mile Old Spanish Trail that helps provide access to Blackwater River State Park and Blackwater River State Forest. Both ends of the trail are easily accessible by state highways. There are numerous intermediate access points. The ROW passes within a block of Berry Hill Elementary School, Milton High School, Milton Public Library, and Carpenter Park, which is located on the Blackwater River.

SEGMENT NAME	LOCATION (COUNTY)	APPROX. MILEAGE	APPROX. ACREAGE	COMMENTS
West Orange Greenway (Apopka - Mabel (East))	Orange	16	128	Active project. Passes through a low density, rural area, yet is easily accessible to a large urban population. Has potential to be extended in the future to the north on a utility corridor and to the west on the continuation of the abandonment. Could become part of an extended system of rail-trails throughout Central Florida. Orange County has agreed to enter into a joint acquisition agreement with the State. The municipalities of Apopka, Ocoee, Winter Garden, and Oakland have passed resolution in support of the project and will make those segments of the corridor they already own available for trail use. Multiple ownerships.
Jacksonville - Baldwin	Duval	13.5	168	Active project. Passes through a very rural, agricultural area, yet is easily accessible to a large urban population. Both ends are in close proximity to an interstate interchange. The City of Jacksonville has agreed to maintain and operate the trail. The corridor is in excellent condition and is in need of only minor improvement to be usable by hikers, joggers, equestrians, and fat-tired bicyclist. Has potential to be extended 66 miles through Nassau, Baker, Union, and Alachua Counties. Sole owner barring title problems.
Polk City - Tenoroc	Polk	3.8	45	Active project. This is the southern extension of the General James A. Van Fleet State Trail (Polk City - Mabel abandonment), which has already been acquired by the Department of Natural Resources for trail use. Acquisition of this segment will facilitate connecting the trail to Tenoroc State Reserve. Although the abandonment will not directly connect to the Reserve, access will be available by county roads or an adjacent "friendly" landowner's parcel. Has potential to be extended an additional 3 miles to Ashburndale. Sole owner barring title problems.
Keystone Heights - Navair	Clay, Bradford, Union, Columbia	36	656	Active project. Passes through a highly scenic, rural area beginning in Keystone Heights and continuing northwest to Lake Butler, and on to Lake City Community College. The adjacent property is undeveloped except in the towns and cities. The Florida Department of Transportation intends to purchase the southern 28 miles of the corridor from Keystone Heights to Palatka, and lease on an interim basis for rail-trail use. The entire corridor crosses eight creeks, and passes within one mile of eleven lakes and the St. Johns River. Could become part of a 288 mile system of recreational trails connecting to Tenoroc State Reserve via the Cross Florida Greenbelt (Barge Canal). Is located within the Florida National Scenic Trail corridor and could contribute to completion of this trail. Sole owner barring title problems.
Old Fort King Trail	Hillsborough	8	85	Active project. Begins in suburban Tampa and passes through a relatively rural residential/agricultural area, ending at Hillsborough River State Park. The corridor parallels US 301 and a County Road and has potential to become part of a larger system of trails connecting downtown Tampa to thousands of acres of public land. Hillsborough County has agreed to enter into a joint acquisition agreement with DNR. Multiple ownerships.
Lake Highlands Trail (Dinky Line)	Orange	1.3	6.3	Active project. Would provide recreation and an alternative means of transportation in highly urbanized area on the verge of major redevelopment. The corridor provides a link between the future downtown transit center, the Orlando Museum of Art, Edyth Bush Theater, the Orlando Science Center, the Historical Museum of Orange County, two urban parks, and four lakes. The trail will be the core of a carefully planned urban renewal project. Multiple ownerships.

AA-7

SEGMENT NAME	LOCATION (COUNTY)	APPROX. MILEAGE	APPROX. ACREAGE	COMMENTS
11. Pinellas Trail Extension	Pinellas	4	48	Active project. This is an extension of the 35-mile Pinellas Trail which Pinellas County has leased from the Department of Transportation. The acquisition will begin at the terminus of DOT ownership and continue east to the Pasco County line. The segment passes through a 12-acre lakefront parcel which the County intends to acquire for use as a park/trailhead near Tarpon Springs. The abandonment connects to County-owned open space in the northeast section of the County. The trail will be continued on this property southward to the Oldamar area. When complete the entire trail will be 47 miles long. The County will develop and manage the extension as part of the Pinellas Trail.
	Totals	185.1	2457.8	
12. Apopka - Mabel (West) (*)	Lake, Sumter	21	252	This is the western extension of the Apopka-Mabel (East) abandonment located in Orange County. Acquisition of the segment would provide a connection from Orange County to the General James A. Van Fleet State Trail. The corridor passes through a low density, rural area but is easily accessible because of its proximity to SR 50 and US 27. Could become part of an extended system of rail-trails about Central and North Florida. The corridor is owned by 33 individuals other than CSX.
	Totals	206.1	2757.8	

APPROVED: 12/90

AMENDED: 1/91, 11/91, 1/92, 2/92, 5/92, 7/92

(\*) Will be acquired if (1) available connections between the CSX-owned portions are identified, and (2) funds are available.

## CHAPTER 260

## RECREATIONAL TRAILS SYSTEM

- 260.011 Short title
- 260.012 Declaration of policy and legislative intent
- 260.013 Definitions
- 260.014 Florida Recreational Trails System
- 260.0141 Rails to Trails Program
- 260.015 Acquisition of land
- 260.016 General powers of Division of Recreation and Parks
- 260.0161 Coordination with Department of Transportation
- 260.017 Restrictions; rules
- 260.018 Agency recognition

**260.011 Short title.**—Sections 260.011–260.018 shall be known and may be cited as the “Florida Recreational Trails Act of 1979.”

*History.*—s. 1, ch. 79-110

**260.012 Declaration of policy and legislative intent.**

(1) In order to provide the public with access to the use, enjoyment, and appreciation of the outdoor areas of Florida, and in order to conserve, develop, and use the natural resources of this state for healthful and recreational purposes, it is declared to be the public policy of this state and the purpose of ss. 260.011–260.018 to provide the means and procedures for establishing and expanding a network of recreational and scenic trails designated as the “Florida Recreational Trails System.” The standards by which the trails system shall be administered, maintained, used, and expanded shall be consistent with the provisions of ss. 260.011–260.018. It is the intent of the Legislature that these recreational trails will serve to encourage horseback riding, hiking, bicycling, canoeing, and jogging and thereby improve the health and welfare of the people.

(2) It is the intent of the Legislature that recreational trails be established within and without boundaries of state parks and state forests and, when feasible, to interconnect units of the state park and forest system, as well as national forests and parks and such locally maintained parks as may be appropriate. It is also the intent of the Legislature to perpetuate the use of and provide access to regions and trails of special historic interest within the state; to provide for the acquisition of abandoned railroad rights-of-way for use as public recreational trails; to encourage the multiple use of public rights-of-way and use to the fullest extent existing and future scenic roads, highways, park roads, parkways, and national recreational trails; to encourage the development of recreational trails by counties, cities, and special districts and to assist in such development by any means available; to coordinate recreational trail plans and development by local governments with one another and with the state government and Federal Government; and to encourage, whenever possible, the development of recreational trails on federal lands by the Federal Government.

(3) The planning, development, operation, and maintenance of the Florida Recreational Trails System authorized by ss. 260.011–260.018 is declared to be a public

purpose, and the Department of Natural Resources, together with other governments and agencies of this state and all counties, municipalities, and special districts of this state, is authorized to spend public funds for such purposes and to accept gifts and grants of funds, property, or property rights from public or private sources to be used for such purposes.

(4) The provisions of s. 375.251 relating to the liability of persons making lands available for outdoor recreational purposes shall be applicable to ss. 260.011–260.018.

(5) It is the intent of the Legislature to officially recognize the Florida National Scenic Trail as Florida’s official statewide trail from the Florida Panhandle to the Everglades. It is also the intent of the Legislature to encourage all state, regional, and local agencies who acquire lands to include in their land-buying efforts the acquisition of sufficient legal interest in the lands over which the trail passes to ensure its continued existence in a permanent location.

*History.*—s. 2, ch. 79-110; s. 1, ch. 87-328; s. 3, ch. 91-62

**260.013 Definitions.**—As used in ss. 260.011–260.018, unless the context otherwise requires:

(1) “Recreational trails” means riding, hiking, canoeing, bicycling, or jogging trails for the use of the public.

(2) “Riders” and “riding” mean horseback riders and horseback riding.

(3) “Department” means the Department of Natural Resources.

(4) “Division” means the Division of Recreation and Parks of the Department of Natural Resources.

(5) “Board” means the Board of Trustees of the Internal Improvement Trust Fund.

(6) “Canoe” means any nonmotorized watercraft propelled by human power.

*History.*—s. 3, ch. 79-110; s. 2, ch. 87-328; s. 4, ch. 91-62

**260.014 Florida Recreational Trails System.**—

(1) The Florida Recreational Trails System shall consist of individual trails and networks of trails designated as a part of the Florida Recreational Trails System by the department and administered in accordance with the rules published by the department.

(2) Insofar as is practicable, maps indicating the location of Florida recreational trails shall be published and distributed by the division. The description of canoe trails shall include a generalized map delineating the water body or section thereof designated, locations of suitable launch and takeout sites, as well as other points of interest to enhance the recreational opportunities of the public.

*History.*—s. 4, ch. 79-110

**260.0141 Rails to Trails Program.**—There is established within the Florida Recreational Trails System the “Florida Rails to Trails Program,” the purpose of which is to acquire and develop abandoned railroad rights-of-way for public recreational trail use. Such rights-of-way shall be acquired pursuant to this act.

*History.*—s. 3, ch. 87-328

randum of understanding which shall contain a method by which the coordination of evaluations and acquisition priorities is to be accomplished. The memorandum of understanding shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor within 120 days after July 10, 1987.

(3) After the Department of Transportation acquires abandoned railroad rights-of-way for future transportation purposes, the Department of Transportation shall lease such rights-of-way to a public agency or private organization for interim public recreational trail use if:

(a) The public agency or private organization has requested use of the right-of-way for interim public recreational trail use;

(b) The public agency or private organization agrees in writing to assume all liability and management responsibilities as defined by the Department of Transportation; and

(c) The use of the right-of-way as a recreational trail does not interfere with the ultimate transportation purposes of the property as determined by the secretary of the Department of Transportation.

(4) If the Department of Transportation determines that an abandoned railroad right-of-way which has been leased for interim recreational trail use is needed

for transportation purposes, the Department of Transportation shall work with the leasing agency to accommodate, when feasible, the existing trail use in conjunction with the use of the right-of-way for transportation.

History.—s. 6, ch. 87-328.

**260.017 Restrictions; rules.**—The department may establish restrictions on the use of motorized watercraft within any defined canoe trail necessary to ensure the safe use of a water body for canoes. Restrictions established pursuant to this section must be adopted as a rule pursuant to s. 120.54, after proper notice and hearing, and may be enforced by any state or local law enforcement agency having jurisdiction over the area within which the trail is designated.

History.—s. 7, ch. 79-110.

**260.018 Agency recognition.**—All agencies of the state, regional planning councils through their comprehensive plans, and local governments through their local comprehensive planning process pursuant to chapter 163 shall recognize the special character of the lands and waters designated by the state as recreational trails and shall not take any action which will impair their use as designated.

History.—s. 6, ch. 79-110; s. 6, ch. 91-62.



# CHAPTER 16D-7 FLORIDA RECREATIONAL TRAILS SYSTEM

16D-7 001	Declaration and Intent
16D-7 002	Definitions
16D-7 003	Statement of Purpose and Applicability of the Rules
16D-7 004	Administration of the Florida Recreational Trails System
16D-7 005	Selection and Designation Process
16D-7 006	Management
16D-7 007	Removal from the System
16D-7 008	Florida Recreational Trails Council

16D-7.001 Declaration and Intent. The Department of Natural Resources declares the following rules in use the instrument for implementing the Florida Recreational Trails Act, Chapter 260, Florida Statutes.

(1) It is the intent of these rules to set forth the procedures by which the Department can provide effective administration and management of the Florida Recreational Trails System. It is not the intent of these rules to address state acquisition of lands for trails purposes. All acquisition of lands or interests in lands by the Department for recreational trails purposes, including rails-to-trails acquisitions authorized by Section 260.0141, Florida Statutes, shall be made in accordance with existing state land acquisition laws and procedures. It is likewise not the intent of these rules to preclude the development of consistent and compatible transportation projects in the State of Florida.

(2) It shall be the policy of the Department to pursue the following goals, contingent upon the availability of legislatively appropriated funds or other funds for these purposes:

(a) To establish a balanced, interconnected system of recreational trails throughout the state, consisting of hiking trails, bicycle trails, horseback riding trails, jogging trails, and canoe trails, for the use of the public.

(b) To acquire and develop lands for use as public recreational trails.

(c) To encourage other public agencies and private organizations to acquire and develop lands for use as public recreational trails.

(d) To promote conservation and public appreciation of the diverse natural and historic resources of Florida by providing a variety of opportunities for recreational experiences, resource awareness, and generally healthful activities.

(e) To promote the provision of energy-conservative outdoor recreation located so as to be available to the greatest number of people.

(f) To encourage multiple use of existing public rights-of-way, and to use to the fullest extent existing and future scenic roads, highways, park roads, parkways and national trails.

(g) To insure public access to designated trails and encourage their safe use and enjoyment by the citizens and visitors of the state.

(h) To encourage private landowners to make their property available to the public for recreational trail use.

(i) To coordinate planning, development and management of recreational trails by government agencies and private organizations as part of an expanding, statewide system of recreational trails. *Specific Authority 260.014(1), 260.016(1)(c), 260.017 FS. Law Implemented 260.012, 260.015(1), FS. History—New 3-11-81, Formerly 16D-7.01, Amended 1-7-88.*

16D-7.002 Definitions. As used in these rules the following terms shall have the meanings indicated.

(1) "ABANDONED RAILROAD RIGHT-OF-WAY" means land or water on which discontinuance of rail service has been authorized by the Interstate Commerce Commission.

(2) "ACT" means the Florida Recreational Trails Act, Chapter 260, Florida Statutes.

(3) "COUNCIL" means the Florida Recreational Trails Council established under Section 260.016(1)(c), Florida Statutes.

(4) "DEPARTMENT" means the Department of Natural Resources.

(5) "FLORIDA RAILS-TO-TRAILS PROGRAM" means the program established within the Florida Recreational Trails System by Section 260.0141, Florida Statutes.

(6) "FLORIDA RECREATIONAL TRAILS SYSTEM" means the system of individual trails and networks of trails designated, administered and managed in accordance with these rules.

(7) "MANAGING AGENT" means the Department of Natural Resources or another agency or organization which has agreed to manage a designated trail in the Florida Recreational Trails System.

(8) "RECREATIONAL TRAIL" means a bicycle trail, canoe trail, hiking trail, horseback riding trail, or jogging trail.

(9) "STATE TRAILS SYSTEM" means the Florida Recreational Trails System. *Specific Authority 260.014(1), 260.016(1)(c), 260.017 FS. Law Implemented 260.011, 260.013 FS. History—New 3-11-81, Formerly 16D-7.02, Amended 1-7-88.*

16D-7.003 Statement of Purpose and Applicability of the Rules. The purpose of these rules is to establish general guidelines for the administration of the Florida Recreational Trails System. These guidelines shall apply to all recreational trails designated under the state trails system. The regulation of specific activities and uses of recreational trails designated within the state trails system may require supplemental rules which will be promulgated by the Department as deemed appropriate. All formal and informal procedures concerning the selection and designation of recreational trails, administration of the state trails system, and general management provisions for individual trails within the state trails system shall be in accordance with these rules. Land acquisition under the Florida Rails-to-Trails Program shall be

will officially become part of the Florida Recreational Trails System and shall be managed according to these rules and the terms agreed upon for its designation and management.  
*Specific Authority 260.014(1), 260.016(1)(c), 260.017 FS. Law Implemented 260.014(1) FS. History—New 1-7-81. Formerly 16D-7-05. Amended 1-7-88.*

**16D-7-006 Management.** The following are established to provide effective management of designated trails in the Florida Recreational Trails System.

(1) All designated trails shall be managed in accordance with the intent of the Act.

(2) Management of designated trails shall be provided by the Department, or by an appropriate managing agent or agents, selected and agreed upon prior to designation of the trail.

(3) The managing agent(s) will normally be a public or private agency or organization with direct interest or jurisdiction in the lands or waterways traversed by the trail.

(4) Reasonable flexibility in the management of designated trails will be encouraged in order to accommodate a variety of managing agents and managerial needs, and to provide management alternatives for an anticipated diverse network of trails types.

(5) A statement of terms for the management, use and responsibility for a trail shall be agreed upon and signed by the managing agent(s) prior to designation by the Department.

(6) For those trails designated outside the jurisdiction of the Department, the managing agent(s) shall carry out the pre-agreed management policies in consonance with any other uses of the lands or waters involved.

*Specific Authority 260.014(1), 260.016(1)(c), 260.017 FS. Law Implemented 260.012(3), 260.014(1) FS. History—New 3-11-81. Formerly 16D-7-06. Amended 1-7-88.*

**16D-7-007 Removal from the System.** Removal of a trail from the state trails system by the Department may result from gross mismanagement, severe physical constraints upon public use of the trail caused by adverse conditions or safety hazards, or where the intended use(s) can no longer be provided.

*Specific Authority 260.014(1), 260.016(1)(c), 260.017 FS. Law Implemented 260.012(1), 260.014(1) FS. History—New 3-11-81. Formerly 16D-7-07. Amended 1-7-88.*

**16D-7-008 Florida Recreational Trails Council.**

(1) The Department shall appoint the "Florida Recreational Trails Council" to advise in the execution of its powers and duties under the Act.

The duties and responsibilities of the Council shall include advising the Department in the development of policies for the state trails system; reviewing plans for the administration and management of the state trails system; and assisting with the development of information materials and programs about the state trails system.

(2) The Council shall consist of the following members appointed by the Department:

(a) Two members representing each of the following types of trail user groups: bicycling, canoeing, hiking, horseback riding, and jogging; two members representing commercial trail recreation interests; and two members representing private landowners.

(b) One member representing each of the following:

1. Local Governments
2. Department of Agriculture and Consumer Services, Division of Forestry
3. Department of Transportation
4. Game and Fresh Water Fish Commission
5. The five water management districts established by Section 373.069, Florida Statutes

(c) The Department shall invite the following federal agencies to designate a representative to the Council:

1. U. S. Department of Agriculture, Forest Service
2. U. S. Department of Defense, Army Corps of Engineers
3. U. S. Department of Defense, Air Force
4. U. S. Department of the Interior, National Park Service
5. U. S. Department of the Interior, Fish and Wildlife Service

(3) One of the two members representing each type of trail user group, commercial interests, and private landowners shall be appointed to an initial term of three years. Subsequent terms of these members shall be two years. All other members shall be appointed to two-year terms.

(4) The Council may adopt bylaws to govern the conduct of its business. The bylaws may provide for the election of a chairman and vice-chairman, removal of officers for just cause, meetings, quorum, establishment of committees, and other such matters as the Council deems advisable. Such bylaws shall be approved by the Department.

(5) The Department shall provide such professional and support staff as the Council may require.

*Specific Authority 260.014(1), 260.016(1)(c), 260.017 FS. Law Implemented 260.016(1)(c) FS. History—New 1-7-88.*

# Preferred Trail Route

## Florida National Scenic Trail

Blackwater River  
State Park

Lake Seminole





Gulf Islands

Ocala

N

Herritt  
Island

### Legend

-  Preferred Trail Corridor  
Selection Area is 20 Miles in Width
-  Connector/Side Trail  
Selection Area is 20 Miles in Width
-  Major Trail Head, Information Site
-  Existing Florida Trail

### NOTE:

\*All routes shown depict the general location described in the National Scenic Trail Study (Ea., 1982).

\*The preferred corridor selection route was determined by general area verification.

\*The 20 mile wide corridor selection areas provide general routing direction while allowing flexibility in specifying exact trail location in the development of the management plans.

\*The Florida Trail Association's Trail is not the the Florida National Scenic Trail. After specific site investigation sections of the existing Florida Trail may be utilized for the Florida National Scenic Trail.

\*All certified FNST Trail sections must meet National Scenic Trail criteria and fall within the corridor selection areas.



0 10 20  
MILES

**CHAPTER 18-1**  
**STATE LAND ACQUISITION PROCEDURES**  
(Formerly 16Q-3)

18-1.001	Purpose and Intent.
18-1.002	Definitions.
18-1.003	General Requirements.
18-1.004	Title.
18-1.005	Appraisal Map and Survey.
18-1.006	Appraisal Procedures, Report Requirements and Determining Maximum Amounts.
18-1.007	Designated Appraisal Organizations and Appraiser Selection.
18-1.008	Negotiations.
18-1.009	Purchase Instruments.
18-1.010	Exchanges.
18-1.011	Board Action.
18-1.012	Closing.
18-1.013	Donations.
18-1.014	Multi-Party Acquisitions.

**18-1.001 Purpose and Intent.** State land acquisition procedures provided for in this rule are for voluntary, negotiated acquisitions under agreements for purchase, option or exchange. The purpose and intent of this chapter is to provide uniform and efficient procedures for the acquisition of interests in real property, and donation of such interests, title to which will vest in the Board of Trustees of the Internal Improvement Trust Fund, in accordance with legal requirements and sound business practice.

*Specific Authority 253.03, 253.025 FS. Law Implemented 253.025 FS. History—New 6-16-86.*

**18-1.002 Definitions.**

(1) "Acquiring Agency" means a state agency initiating acquisition of land, title to which will vest in the Board. In cases where the Division, acting for the Board, is the acquiring agency, and this rule requires that the acquiring agency submit documents or information to the Division, the Division shall acquire such documents or information.

(2) "Appraisal Foundation" means the non-profit, educational corporation established in Washington, D. C. by the American appraisal industry to foster professionalism by promoting the Uniform Standards of Professional Appraisal Practice.

(3) "Appraisal Map" means a map of the project area with individual ownership and project boundaries identified. This map shall show acreage and other pertinent information needed for appraisal. The map shall be prepared by a land surveyor currently authorized to practice surveying in the State of Florida and shall be approved by the Division for compliance with applicable survey standards.

(4) "Approved Appraisal" means an appraisal that has been accepted by the Chief Appraiser for use in calculating the amount that the state can pay for property.

(5) "Approved Appraisal Organization" means an appraisal organization that has been approved by the Board pursuant to this rule.

(6) "Board" means the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.

(7) "Boundary Map" means a map of the project area with the project boundaries identified.

(8) "Certified Survey" means a boundary survey, as further defined in Rule 18-1.005, which is certified, signed and sealed by a registered land surveyor authorized to practice surveying in the State of Florida. The survey must be approved by the Division as being in compliance with the Minimum Technical Standards for Land Surveying in Florida as established by the Florida Department of Professional Regulation, and such additional requirements as may be determined by the Division to be necessary to meet the intent of the statute and this rule. The survey shall accurately portray to the greatest extent practicable the condition of the parcel as it currently exists. The survey must have been certified within 90 days of the closing on the property unless this requirement is waived by the title insurer for the purpose of deleting the standard exceptions for survey matters and easements or claims of easements not shown by the public records from the owner's title policy and the Division.

(9) "Chief Appraiser" means the Chief, Bureau of Appraisal, Division of State Lands, Department of Natural Resources.

(10) "Cooperating Agency" means a local government, water management district, or an organization as defined in Section 253.025(7)(d), F.S., that has entered into an acquisition agreement with the Division to acquire specific property.

(11) "Director" means the Director, Division of State Lands, Department of Natural Resources.

(12) "Division" means the Division of State Lands, Department of Natural Resources.

(13) "Evidence of Marketable Title" means assurance of the marketability of the land being acquired, in the form of either a marketability title commitment and policy (ALTA Form B), or a complete, certified abstract from earliest public records to the time of deed recording, with a marketability title opinion prepared by an attorney licensed to practice law in Florida. The coverage, form and exceptions of either title insurance or title opinion is subject to the approval of the Division in order to assure that the State's interests are fully protected. The terms "Title Policy" and "Title Opinion" are included within this definition.

(14) "Executive Director" means the Executive Director, Department of Natural Resources.

(15) "Fee Appraiser" means the person performing an appraisal of property.

(16) "Land" or "Property" means the interest in real property to be acquired, together with all appurtenances.

(17) "Landowner" or "Owner" or "Seller" means the owner of the land or his authorized agent.

(18) "Market Value" means the most probable price in cash or terms equivalent to cash for which the appraised property will sell in a competitive market under all conditions requisite to fair sale, with the buyer and seller each acting prudently and knowledgeably, and assuming that neither is under undue duress.

(19) "Option Agreement" means a purchase instrument which becomes binding on both parties at the time of execution, but subject to Board approval and to exercise of an option or options.

(20) "Purchase Agreement" means a contract to purchase property which becomes binding on both parties at the time of execution, but subject to Board approval.

(21) "Purchase Instrument" means the various types of contracts to purchase property, including purchase agreements, option agreements, exchange agreements and other forms of such agreements.

(22) "State Certified Appraiser" means a real estate appraiser who has been certified by the State under the provisions of Chapter 475, F.S.

(23) "Title Commitment" means written agreement binding a title insurance company to provide a policy insuring marketability of title for a specified time in the name of the Board in the amount of the purchase price, or other appropriate value, containing such coverage and exceptions, and in a form, approved by the Division.

(24) "Uniform Standards of Professional Appraisal Practice" means the generally accepted standards of the appraisal profession that deal with the procedures to be followed in developing an appraisal, analysis, or opinion and the manner in which such appraisal, analysis, or opinion is communicated.

*Specific Authority 253.03, 253.025 FS. Law Implemented 253.025 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90, 10-30-91.*

#### 18-1.003 General Requirements.

(1) Neither the Board nor its agent shall commit the State to the purchase of land, through any instrument of negotiated contract or agreement for purchase, unless the provisions of Section 253.025, F.S., and of this rule, have been complied with. However, the Board may substitute alternate procedures for this rule and for the provisions of Section 253.025, F.S., as follows:

(a) Federally mandated acquisition procedures may be used when federal funds are available and will be utilized for the purchase of land, and qualification for such federal funds requires compliance with federally-mandated acquisition procedures; or

(b) Federal appraisals may be used when, pursuant to a joint federal and state acquisition project, lands are being acquired by the Board for anticipated sale, conveyance, or transfer to the Federal Government; or

(c) Department of Transportation appraisal procedures may be used when abandoned railroad rights-of-way are to be appraised.

(2) The Board may waive any provision of this rule and Section 253.025, F.S., when land is being conveyed to the Board from another State agency,

except that except that the maximum amount requirements of paragraph 253.025(8)(e) may not be waived.

(3) Prior to any acquiring agency initiating acquisition of property, the agency shall contact the Division to determine the availability of existing suitable state-owned lands in the area which meet the public purpose for which the acquisition is being proposed. If the acquiring agency determines that no suitable state-owned lands exist, it may proceed to acquire the property by employing this rule and all available statutory authority for acquisition. For purposes of this subsection, the adoption of the Conservation and Recreation Lands (CARL), the Save Our Coast (SOC), and the Land Acquisition Trust Fund (LATF) acquisition lists by the Board pursuant to Sections 259.04, 253.023 and 375.041, F.S., constitutes a finding that no suitable replacement lands exist.

(4) All conveyances to the Board of fee title in land shall be by no less than a special warranty deed, unless the conveyance is from the Federal Government, county government, other state agency, or, if a gift or donation by quitclaim deed, if the Board, or its designee, determines that accepting such quitclaim deed is in the best interest of the public. The Board may accept a quitclaim deed to aid in clearing title or boundary questions. *Specific Authority 253.025(14) FS. Law Implemented 125.411, 253.03, 260.015(1), 253.025(1), (2), (10) FS. History—New 6-16-86, Amended 4-6-89, 1-29-90.*

#### 18-1.004 Title.

(1) Initial Title Report. In order for the Division to obtain appraisals, the acquiring agency shall furnish to the Division a title report, including an adequate legal description, of the property to be acquired sufficient to inform the Division and the fee appraisers of the status of ownership, encumbrances, exceptions, reservations, previous ownership history, and tax assessment history. This information shall be furnished in a form determined by the Division to be sufficient for these purposes.

#### (2) Evidence of Marketability.

(a) Final evidence of marketable title shall be provided by the landowner prior to the conveyance of title. The form and content of such evidence of marketable title is subject to the approval of the Division in order to assure that the State's interests are fully protected. The Board may waive the requirement that the landowner provide evidence of marketable title; and in that case the acquiring agency shall provide evidence of marketable title. If a title policy is to be furnished as evidence of marketable title, the final policy must be preceded by a title commitment. Title insurers issuing title policies, abstractors preparing abstracts, and attorneys issuing marketability opinions must be approved by the Division, in order to assure that the State's interests are fully protected.

(b) The Board may waive the requirement of the evidence of marketability for acquisition of property assessed by the county property appraiser at \$10,000 or less, where the Division finds, based upon such review of the title records as is

reasonable under the circumstances, that there is no apparent impediment to marketability, or to management of the property by the state.

(3) Condition of Title. The objective of negotiations for acquisition of property is to obtain all the landowners rights, title and interest in the property, together with such rights as are necessary for the planned management of the property. All exceptions, reservations, encroachments or other adverse conditions which are disclosed in the course of preparing to negotiate, negotiating, contracting or closing shall be individually examined by the acquiring agency and evaluated in writing as to possible adverse effect on the objectives of the agency in acquiring the property. The acquiring agency shall notify the Division of all such exceptions, reservations, encroachments or adverse conditions and the agency's evaluation of those matters as soon as practicable. All such matters potentially having an adverse effect on acquisition goals which become apparent prior to Board approval will be disclosed to the Board at the time of approval.

*Specific Authority 253.025(14) FS. Law Implemented 253.025(6), (7)(c), (9) FS. History—New 6-16-86, Amended 4-6-89, 1-29-90.*

#### 18-1.005 Appraisal Map and Survey.

(1) For each project or parcel of property the acquiring agency shall submit to the Division for use by the fee appraisers either a certified survey or appraisal map containing an adequate legal description of the property. The survey or appraisal map will be subject to the approval of the Division for compliance with standards set forth in this rule.

(2) Prior to closing, a certified survey must be submitted by the landowner or the acquiring agency to the Division for final approval. In cases in which a survey cannot be practically completed or in which the cost of the survey would be prohibitive relative to the expected value of the parcel, the requirement for such certified survey may, in whole or in part, be waived by the Board of Trustees.

(3) The acquiring agency shall have the authority to reimburse the owner for all or part of the cost of the survey when deemed to be in keeping with the purposes of Section 253.025, F.S. by the head of the agency or his designee. Such reimbursement will not be considered a part of the purchase price.

*Specific Authority 253.03, 253.025(7)(c), (f) FS. Law Implemented 253.025(7)(c), (f) FS. History—New 6-16-86, Amended 10-30-91.*

#### 18-1.006 Appraisal Procedures, Report Requirements and Determining Maximum Amounts.

(1) Techniques and methods used by the fee appraiser shall be consistent with the Uniform Standards of Professional Appraisal Practice. The Division shall prepare a report format, substantially consistent with the Uniform Standards of Professional Appraisal Practice, that shall be used by the fee appraiser.

(2) The acquiring agency shall provide to the fee appraiser all pertinent title information developed,

a specification of the rights to be acquired, a list of items, if any, considered to be noncompensable, minimum appraisal requirements that apply, required appraisal forms or formats, and a certified survey or appraisal map.

(3) The appraisal report shall state any assumption made by the appraiser in determining market value and shall document and adequately support the fee appraiser's estimate or conclusion as to value. The report shall include a description of the location, size, shape, topography, access, highway or water frontage, and present zoning of the property. It shall include a description of utilities, if any, and a detailed description of any appurtenances. The report shall address other factors relevant to the development potential of the property including, but not limited to, local government land use restrictions and permit moratoria, environmental sensitivity of the property, and the likelihood of obtaining any pending or required local, state or federal permits. In determining land value, the fee appraiser shall primarily consider the present market value of the property. This market value, as much as practicable, should be based on comparable arm's length sales of similar property. If the fee appraiser uses comparable sales in determining land value, he shall thoroughly describe each such sale including the date of sale, a brief legal description, the present use, the highest and best use, the official record book and page where the transaction is recorded, the grantor and grantee, the purchase price, the terms and conditions of the sale, and when and with whom verified. The fee appraiser also shall consider the present use of the subject property, taking into consideration any local or state land use regulation and any moratorium imposed by executive order, law, ordinance, regulation, resolution, or proclamation adopted by any governmental body or agency or the Governor when the moratorium prohibits or restricts the development or improvement of property as otherwise authorized by applicable law. The report also shall address the highest and best use to which the property can be expected to be put in the immediate future. The term "immediate future" as used in this section means a period of time not to exceed 5 years. In addition, the report also shall consider the cost of the property and the present depreciated reproduction/replacement costs of any improvements thereon, the condition of the property, and any income from the property.

(4) The report shall be accompanied by a sales history of the parcel for at least the prior five years. Such sales history shall list the parties to each transaction involving the subject parcel as well as the consideration paid with the amount of consideration verified, if possible. The report also shall show the tax assessed value for the previous five years. If the sales history required by Section 253.025(7)(f), F.S., would not be useful, or the cost would be prohibitive compared to the value of the parcel, it shall be waived.

(a) The history shall be deemed not useful for projects consisting of a large number of relatively

similar size properties under separate ownership for which a multiple-ownership appraisal technique can be used.

(b) The cost will be considered to be prohibitive relative to the value of the parcel if the most recent assessed value for ad valorem tax purposes is \$50,000 or less, excluding greenbelt agricultural, aquifer recharge, or other special exemptions.

(5) When two appraisals are required under Section 253.025(7)(a), F.S., a third appraisal shall be obtained if the two appraisals differ significantly. Two appraisals shall be considered to differ significantly if the higher of the two values exceeds 120% of the lower value. However, a third appraisal shall not be obtained if the decision is made by the Director to attempt to negotiate an acquisition price of no more than 120% of the lower of the two appraisals.

(6) Determining the maximum amount.

(a) The maximum amount that may be paid by the State for a parcel to be acquired shall be the value indicated in a single approved appraisal if only one appraisal is required. If two appraisals are obtained and approved when only one is required by law, the maximum value shall be the higher of the appraisals, regardless of their divergency.

(b) If two appraisals are required by law and their values do not differ significantly, the maximum amount that may be paid by the State for the parcel shall be the higher value indicated in the two approved appraisals.

(c) If a third appraisal is obtained and approved, the maximum amount that may be paid for the parcel shall be the value contained in the higher of the two closest appraisals as long as the two closest appraisals do not differ significantly. If the two closest appraisals differ significantly, 120% of the lower of the two appraisals shall be the maximum value.

(7) All appraisals, as well as offers and counter offers shall be confidential, and exempt from the provisions of Chapter 119, F.S., except that:

(a) The Division and a water management district created under Chapter 373, F.S., may disclose and share appraisal reports or appraisal information pursuant to Section 373.139, F.S. The Division or District desiring to review an appraisal must make a written request and give a written receipt for such appraisal. The confidentiality of shared appraisals or appraisal information shall be maintained in accordance with Section 253.025(7) & (8), F.S., Section 373.139(3), F.S., this rule, and procedures established by the Division, to ensure confidentiality.

(b) The Division may also disclose appraisal information to, or use an appraisal provided by a cooperating agency, pursuant to an informal acquisition agreement.

1. If the Division is disclosing the appraisal information, the agreement shall identify the individual who will have custody of the appraisal report, individuals within the cooperating agency who will have access to the appraisal information and require the written consent of the Division

prior to disclosing the information to any other person.

2. If the cooperating agency is to provide the appraisal, the appraisal must be made by an appraiser on the Division's list and must be reviewed and approved by the Division. Such appraisal shall be subject to the same confidentiality restrictions as an appraisal provided by the Division.

(8) Appraisal fees and all direct incidental expenses shall be paid by the acquiring agency proposing the acquisition.

(9) When the Division requests the release of funds for appraising CARL, Save Our Coast, or Land Acquisition Trust Fund parcels, the Board shall be provided a status report indicating when negotiations for acquiring such parcels might be initiated.

*Specific Authority 253.025(14) FS. Law Implemented 253.025(7), (8), 373.139 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90, 1-2-91, 10-30-91.*

#### **18-1.007 Designated Appraisal Organizations and Appraiser Selection.**

(1) Approval of fee appraiser organizations.

(a) An appraisal organization shall be approved by the Board if it:

1. Has adopted the Uniform Standards of Professional Appraisal Practice;

2. Provides an education mechanism for the teaching of the Uniform Standards of Professional Appraisal Practice to its members and a disciplinary mechanism for enforcing them;

3. Has adopted the code of ethics embodied in the Uniform Standards of Professional Appraisal Practice;

4. Provides education and enforcement mechanisms for teaching the organization's current code of ethics to its members and for disciplining members who violate the code;

5. Requires its appraisal designated members to complete at least fifteen hours of classroom course work on the Uniform Standards of Professional Appraisal Practice and ethics every five years; and

6. Awards an appraisal designation which is contingent upon:

a. Successful completion of a written examination that tests various items including ethics and conduct;

b. Receipt of a college degree or successful completion of 150 classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization, college or university; and

c. Completion of two years of appraisal experience, supported by written reports and file memoranda, within the five years prior to awarding an appraisal designation.

(b) Those appraisal organizations comprising the Appraisal Foundation are hereby accepted as approved appraisal organizations.

(2) Fee Appraiser Eligibility, General Qualifications and List of Approved Appraisers.

(a) The selection of fee appraisers shall be accomplished in two phases. The first phase is to determine whether the appraiser meets the

eligibility requirements of Section 253.025, F.S., and this rule to appraise property for the State, and whether he has demonstrated an acceptable level of appraisal competence and quality. The name of each appraiser who is determined to be eligible and who is determined to have demonstrated a level of competence and quality acceptable to the Bureau of Appraisal will be placed on a list of approved appraisers. The second phase of appraiser selection is to review proposals and select appraisers in response to requests for proposals. Only an appraiser whose name appears on the list will be invited to submit proposals to appraise specific property for the State.

(b) Eligibility and General Qualification Procedures.

1. The Chief Appraiser shall annually send an announcement to each approved appraisal organization and to the Florida Real Estate Commission for publication in their respective newsletters, inviting interested fee appraisers to submit documents regarding their eligibility and general qualifications.

2. An appraiser shall be considered eligible when he has complied with the following minimum criteria:

a. The appraiser has applied to the Bureau of Appraisal to be placed on the list of approved appraisers;

b. The appraiser holds a professional appraisal designation membership in an approved appraisal organization or is a State Certified Appraiser; and

c. The appraiser holds an active, current Florida real estate license.

3. An appraiser will be placed on the list of approved appraisers when, in addition to being eligible, a review of his general qualifications demonstrates a level of appraisal competence and quality acceptable to the Bureau of Appraisal through past appraisal reports. An acceptable level of appraisal competence and quality shall be demonstrated by the submission of an appraisal he has prepared for a business client within the previous two years that substantially complies with the Uniform Standards of Professional Appraisal Practice.

4. The Chief Appraiser may request that the appraiser submit annual reaffirmation of interest in order to remain on the list of approved appraisers.

5. Removal of the appraiser's name from the list of approved appraisers may be made at the appraiser's request, by failure to submit annual reaffirmation of interest after notice, for unsatisfactory performance or for non-compliance with contract terms. If an appraiser's name is removed from the list pursuant to this rule, he must comply with the requirements of Subsection (2)(b) above to be placed back on the list of approved appraisers.

(c) Appraisers whose names are placed on the Division's list of approved appraisers will be evaluated for the purpose of awarding future contracts according to the following criteria listed in order of importance:

1. Quality of previous work, if any, performed as a result of contracts through the Division. This includes evaluating appraisals on the basis of documentation and/or reasoning; accuracy and clarity of the report; methodology, techniques and support; responsiveness to review questions; the appraiser's understanding of the nature and scope of the appraisal assignment; and, conformity with the Uniform Appraisal Standards for the Board of Trustees Land Acquisitions.

2. Attainment of professional appraisal designations awarded by approved appraisal organizations.

3. Professional appraisal-related education or teaching experience.

4. Previous fee volume as a result of contracts through the Division for the twelve months prior to submitting a proposal.

(3) Appraiser Selection Procedure. When an agency proposing an acquisition has determined that fee appraisal services are required, the agency shall contact the Division's Bureau of Appraisal and request that such services be obtained. Selection procedures shall be as follows:

(a) Invitations to submit proposals to make appraisals shall be issued by the Division of State Lands, Bureau of Appraisal, Department of Natural Resources, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. The Bureau of Appraisal shall be the sole point of contact for information concerning requests for proposals.

(b) The Bureau of Appraisal shall notify by direct mail those individuals whose names appear on the list of approved appraisers who have expressed a willingness to work in the specific area where an assignment is available.

(c) When the Bureau of Appraisal has received responses to the notice from approved appraisers, and following the proposal closing date, the Chief Appraiser shall provide a summary to the appraiser selection committee of the various proposals submitted. If more than one proposal is received from the same appraisal firm, only the highest rated proposal from that firm will be considered. Proposals shall be evaluated to determine:

1. The appraiser's experience in appraising similar property within the neighborhood of the subject; and

2. The appraiser's experience in appraising similar property outside the neighborhood of the subject.

(d) Selection shall be made by an appraiser selection committee composed of the Director, the Chief Appraiser and the Chief of the Bureau of Land Acquisition, or their designated representatives. The acquiring agency may provide an additional member of the committee. When selecting fee appraisers, the committee shall consider the various factors set forth in the summary of proposals prepared in accordance with this rule, and shall consider other pertinent factors which may bear on the anticipated quality of the appraisal. The committee shall also consider the proposed time period for delivery of appraisals.



proposed fees, the current or anticipated workload of the fee appraiser as a result of current or anticipated contractual activity through the Division, and responses to any other specialized requirements or questions outlined in the request for proposal. Committee selections and proposal information shall be made available promptly to the acquiring agency for issuance of contracts.

(e) If second or third appraisals are required for a project, appraisers may be selected from the list of those who previously submitted proposals for the stated project. If an additional appraisal is needed for one or more parcels within the project, the Chief Appraiser may select an appraiser from among those who previously submitted proposals. If those appraisers are unavailable, the procedures outlined in this subsection shall be repeated.

*Specific Authority 253.03, 253.025(7)(b) FS. Law Implemented 253.025(7) FS. History—New 6-16-86, Amended 1-29-90, 10-30-91.*

#### 18-1.008 Negotiations.

(1) The acquiring agency may initiate acquisition negotiations upon receipt of the required number of appraisal reports approved by the Chief Appraiser in accordance with subsection 253.025(7), F.S. The Division may negotiate and enter into an option agreement prior to or after the receipt and approval of appraisals, subject to the conditions established in paragraph 253.023(6)(b), F.S., and this rule. All owner contact shall be documented in the appropriate acquisition file of the acquiring agency. Initial contact with the landowner by the acquiring agency may be established prior to negotiations, provided that such contact is limited to the following:

(a) To inform the owner of the land acquisition program under which the project is being considered, and to request the owner's permission for the acquiring agency to inspect the property in order to determine its suitability for the purposes of the acquiring agency.

(b) To ascertain or confirm the owner's interest in conveying the property to the State.

(c) To explain in general terms the possible tax advantages of land donations and bargain sales.

(d) To request written permission from the owner in order to have his property appraised by State fee appraisers.

(e) To discuss the timing of possible future acquisitions, and the competition for funds under the various State acquisition programs.

(f) To discuss the matter of representation of the owner by an agent in any future negotiations, and the necessary confirmation by the owner of the agent's status.

(g) To request available title data.

(h) To advise of disclosure requirements.

(i) To request available property survey data.

(j) To discuss other information pertinent to the acquisition process in general.

(2) The objective of all purchase negotiations shall be to obtain the appropriate interest in land free of encumbrances, conditions, restrictions and reservations at the lowest possible price. In the course of negotiations the acquiring agency shall

discuss the advantages of a donation and bargain sale. When negotiating the purchase of properties that include wetlands, the acquiring agency shall apprise the seller of the benefits of obtaining a safe upland line survey, as opposed to a mean high water or ordinary high water survey. In making an offer the acquiring agency shall consider the benefit to the owner of a single cash payment in relation to the maximum offer allowed by law. Under no circumstances will the final purchase price exceed the value established pursuant to paragraph 253.025(8)(e), F.S., and this rule.

(3) Upon the initiation of negotiations the acquiring agency shall notify the landowner in writing that final purchase approval is subject to affirmative action by the Board. When the landowner is represented by an agent or broker negotiations may not be initiated or continued with the agent until a written statement signed by the landowner verifying the agent's legal or fiduciary relationship with the owner has been received by the agency.

(4) All offers and counter-offers shall be in writing, and shall be confidential and exempt from the provisions of Section 119.07(1), F.S., under the conditions of paragraph 253.025(8)(d).

(5) Purchase negotiations for the acquisition of any land from the Conservation and Recreational Lands Trust Fund or Land Acquisition Trust Fund shall be initiated within six months of approval by the Division of appraisals of property on the lists developed pursuant to 259.035, F.S. The Quarterly Report of the Department of Natural Resources to the Board will contain a report on the status of all said acquisition projects, with a recommendation as to any project, or portion of a project, which should be abandoned in accordance with subsection 253.025(5), F.S.

*Specific Authority 253.025(14) FS. Law Implemented 253.023(6)(b), 253.025(4), (5), (8) FS. History—New 6-16-86, Amended 4-6-89, 1-29-90.*

#### 18-1.009 Purchase Instruments.

(1) The final negotiated purchase shall be placed in the form of a written purchase instrument, signed by the owner and approved by the head of the agency, or by the designated representative of the acquiring agency. Option agreements entered into prior to approval of the appraisals must be signed on behalf of the Board by the Executive Director or the Director. Option agreements should be utilized, under the procedures set forth in this rule, when necessary to protect the interests of the State in purchasing property owned by more than one person, where it is not feasible or desirable to include all such owners on one purchase instrument.

(2) The acquiring agency may prepare and use any form of purchase instrument approved by the Director as meeting the intent of the law and this rule.

(3) Before the acquiring agency executes the purchase instrument the provisions of Section 286.23, F.S., shall be complied with.

(4) A purchase instrument approved by the Board shall be binding on all parties.

*Specific Authority 253.023(6)(b), 253.03, 253.025, 286.23 FS. Law Implemented 253.023, 253.025 FS. History—New 6-16-86.*

#### 18-1.010 Exchanges.

(1) All exchanges of real property owned by the Board for other land shall be approved by the Board in the same manner as other acquisitions, and shall be placed in the form of a written exchange agreement reviewed and approved by the Division.

(2) Prior to the closing of any exchange the real property to be conveyed by the Trustees must comply with all applicable legal requirements pertaining to surplus real property owned by the Board. Acquisition of the land to be conveyed to the Board must be in accordance with Section 253.025, F.S., and this rule.

*Specific Authority 253.03, 253.025 FS. Law Implemented 253.025 FS. History—New 6-16-86.*

#### 18-1.011 Board Action.

(1) Within ten days after the execution of the purchase instrument, the acquiring agency will furnish the following to the Division:

(a) The original of the purchase instrument.

(b) A copy of the owner's disclosure form under Section 286.23, F.S.

(c) Evidence of the marketability of the title. The Division may agree to defer submittal and approval of the title opinion or title policy until after Board approval of the purchase instrument. In such case the Division must approve the opinion or policy prior to closing.

(d) The approved appraisal reports.

(e) A letter from the acquiring agency stating that the inventory of existing State-owned lands was examined and contains no suitable available land for the agency's use, or that the property proposed for purchase is within a project on the CARL, SOC or LATF lists.

(f) A written statement by the acquiring agency outlining the public purpose for which the acquisition is being made, citing statutory authority, or stating that the property proposed for purchase is within a project on the CARL, SOC or LATF lists.

(g) A written statement signed by the owner confirming the owner's relationship with his agent.

(h) A written confirmation by the acquiring agency of the source and availability of funding for the acquisition.

(i) A copy of the current certified survey or appraisal map, approved by the Division in accordance with this rule.

(j) All the details pertinent to the acquisition not included in this list or in the purchase instrument.

(2) No later than 10 days prior to the time the purchase is to be considered by the Board, the owner shall file the following with the Division:

(a) All disclosures required by subsections 375.031(1) and 380.08(2), Florida Statutes.

(b) A statement identifying any expenditures made in the categories set forth in (2)(a), (b) or (c) of Rule 18-1.012.

(c) A statement providing a good faith estimate of any additional expenditures in the categories set forth in (2)(a), (b) or (c) of Rule 18-1.012.

(3) The Division shall submit the proposed acquisition to the Board in time for the Board to approve or reject it within 45 days after its receipt by the Division. The Division shall supply a copy of the proposed purchase instrument and all supporting documentation to the Board for its review.

(4) The Board must authorize all acquisitions of land, title to which will vest in the Board, prior to purchase. The Board may approve, approve with modification, or reject a proposed acquisition. The Board may reconsider a rejected proposal for acquisition at any time.

(5) The Division and the Board may consider an appraisal acquired by the Seller, or any part thereof, in negotiating or approving any purchase, but such appraisal may not be used in lieu of an appraisal required by subsection 253.025(7), F.S., to determine the maximum offer allowed by law except as otherwise provided by this rule.

(6) Prior to or concurrent with approval of an acquisition of property, the Board shall designate an agency or agencies to manage the land to be purchased.

*Specific Authority 253.03, 253.025(8) FS. Law Implemented 253.025 FS. History—New 6-16-86. Amended 1-29-90, 10-30-91.*

#### 18-1.012 Closing.

(1) The Director shall have the authority to modify, at the request of the acquiring agency, the purchase instrument previously approved by the Board to extend the time for option exercise, closing date, submittal deadlines or any other time limit relating to such agreement, provided the total extension of time for closing does not exceed 180 calendar days after the date contemplated in the purchase instrument approved by the Board. The Director shall also have the authority to execute or modify all documents necessary for the implementation of Board action, including without limitation the option agreement, purchase agreement, exchange agreement, option exercise, leases, easements, legal descriptions, deeds, assignments, title policies and other miscellaneous agreements and affidavits, provided the modification does not change the substance nor the scope of Board approval, and provided the document executed or modified was either approved by the Board or contemplated by Board approval. Any changes in the purchase price to be paid to the seller not contemplated by the terms of the purchase instrument must be approved by the Board. An extension or modification may only be made under the terms of the purchase instrument, or with the seller's agreement.

(2) The acquiring agency shall obtain all disclosures of beneficial interest required in Section

286.23 F.S., before entering into a purchase instrument. All other disclosures, including those required by subsections 375.031(1) and 380.08(2) F.S., shall be obtained no later than 10 days prior to closing. Appropriate disclosures shall be filed with the Department of State as required by law. Disclosures not required by statute may be waived by the Director in the case of acquisitions of property for a price of \$250,000 or less where the Director finds that the difficulty on the person providing such disclosures outweighs the value of the disclosed information to the Department or the acquiring agency. The following information shall also be included in the statement supplied by the owner no later than 10 days prior to closing:

(a) The total amount of any finder's fee, real estate commission or other similar commission, including a statement as to whom those fees will ultimately be paid.

(b) The total amount of the attorney's fees paid to the owner's attorney, including a statement as to whom these fees will ultimately be paid.

(c) The amounts of other costs incidental to the sale, indicating to whom these sums have been or are to be paid.

(3) The acquiring agency shall be responsible for proper completion of the closing, proper recordation of all legal documents and payment of required fees.

(4) All original documents including recorded documents shall be forwarded to the Division within 30 days after receipt by the acquiring agency from the county clerk or closing agent. All such documents shall be accompanied by a written signed statement from the acquiring agency indicating that all documents have been approved as to form and legality by the attorney for the acquiring agency.

*Specific Authority 253.03, 253.025, 286.23, 375.031, 380.08 FS. Law Implemented 253.025 FS. History—New 6-16-86.*

#### 18-1.013 Donations.

(1) The Board may accept donations of land under the following conditions:

(a) The conveyance must be by no less than a special warranty deed, unless the conveyance is from the Federal Government, a county government, or another state agency or, if a gift or donation by quitclaim deed, the Board determines that accepting such quitclaim deed is in the best interest of the public.

(b) Evidence of marketable title must be supplied either by the landowner, the Division, or the receiving or managing agency. The Board may waive the requirement of evidence of marketability for acquisitions of property assessed by the county property appraiser at \$10,000 or less, where the Division of State Lands finds, based upon such review of the title records as is reasonable under the circumstances, that there is no apparent

impediment to marketability, or to management of the property by the state. The Board may accept a dedication, gift, grant, or bequest of lands and appurtenances without formal evidence of marketability if, upon recommendation by the Division, the Board determines that such lands and appurtenances have value and are reasonably manageable by the state, and that their acceptance is in the public interest.

(c) The Bureau of Survey and Mapping must verify that the State of Florida has no title or interest in the land.

(d) A determination as to who will manage the land must be made by the Division.

(e) An acceptable survey must be submitted to and approved by the Division in accordance with this rule. The receiving or management agency of the donated land may provide a current certified survey, in the event such survey is not provided from another source. The survey requirement may be waived by the Board, if donated lands are in their natural unimproved condition and no improvements are contemplated, if the donated lands are completely surrounded by State-owned lands, if a survey cannot practically be completed, or where the cost of the survey would be prohibitive relative to the expected value of the parcel.

(2) Appraisal of donated lands and appurtenances shall not be required as a condition of receipt of such land by the State.

(3) Where less than fee simple title is to be donated, or to aid in clearing the title or otherwise resolving a boundary or title question in any acquisition, the Division may accept less than a special warranty deed, provided staff legal counsel recommends acceptance of such a conveyance.

*Specific Authority 253.025(14) FS. Law Implemented 253.025(9), (10) FS. History—New 6-16-86. Amended 4-6-89, 1-29-90.*

#### 18-1.014 Multi-Party Acquisitions.

(1) The Division may enter into an acquisition agreement with a water management district, a local government or an organization as defined in Section 253.025(7)(d), F.S., for any property which has been authorized for acquisition pursuant to Section 253.025, F.S.

(2) The Division and a cooperating agency must execute an acquisition agreement prior to the cooperating agency obtaining title to, or any other legal interest in, the property to be acquired.

(3) An acquisition agreement may provide for the sharing of appraisals, offers, and other negotiation matters, between the Division and cooperating agency. However, as a condition of the sharing of such confidential information, the cooperating agency must agree to maintain the confidentiality of appraisals, offers, and other negotiation matters, as required by Section 253.025, F.S., and this rule, and the agency must identify the individuals within the cooperating

agency who will have access to confidential information, and obtain the consent of the Division prior to disclosing the information to any other person.

*Specific Authority 253.025(14) FS. Law Implemented 253.025(7)(d) FS. History—New 1-29-90. Amended 1-2-91, 10-30-91.*

**CHAPTER 40A-9  
WATER MANAGEMENT LANDS TRUST  
FUND**

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**40A-9.011 General.** The purpose of this Chapter is to implement the legislative intent expressed in Section 373.590, Florida Statutes, and therefore, to establish District policies and procedures regarding a five-year plan for the selection of land, and provide procedures for the acquisition and management of land, title to which shall vest in the Northwest Florida Water Management District. It is also the intent of these rules to provide uniform acquisition procedures in order to effectuate efficient legal methods in accordance with sound business practices.  
*Specific Authority 373.016, 373.044 FS. Law Implemented 373.103, 373.139, 373.59 FS. History—New 4-12-83, Amended 5-5-87.*

**40A-9.021 Definitions.** When used in this chapter:

- (1) "Department" means Florida Department of Environmental Regulation.
- (2) "Secretary" means the Secretary of the Florida Department of Environmental Regulation.
- (3) "District" means the Northwest Florida Water Management District or its successor agency operating under the authority of Chapter 373, Florida Statutes.
- (4) "Board" means the Governing Board of the Northwest Florida Water Management District.
- (5) "Fund" means the Water Management Lands Trust Fund.
- (6) "Plan" means the five-year land acquisition plan as approved by the Governing Board of the Northwest Florida Water Management District.
- (7) "Project" means a parcel or parcels of land in a discrete unit of purchase.
- (8) "Survey" means a certified survey signed by a licensed land surveyor authorized to practice surveying in the State of Florida.
- (9) "Acquisition" means the reduction of the title to land to be acquired to fee or such other legal interest necessary for water management, water supply and the conservation and protection of water resources.

*Specific Authority 373.016, 373.044 FS. Law Implemented 373.103, 373.139, 373.59 FS. History—New 4-12-83.*

**40A-9.031 Selection of Lands — Five-Year Plan.**

(1) The Board shall adopt and maintain a five-year land acquisition plan designating the lands to be acquired, which shall be filed annually with the Legislature and the Secretary by January 15, and shall contain all amendments or modifications of the plan effected since the previous submission.

(2) Prior to the amendment or modification of the five-year plan, the District shall hold one or more public hearings.

(3) Acquisition activity for the preceding fiscal year shall be reported annually to the Legislature and the Secretary by January 15 of each year.  
*Specific Authority 373.016, 373.044 FS. Law Implemented 373.103, 373.139, 373.59 FS. History—New 4-12-83.*

**40A-9.041 Acquisition Procedures; Negotiations.**

(1) Upon determination of the proposed land requirements, descriptions and maps sufficient to identify the lands and the interest therein to be acquired shall be obtained or determined.

(2) Ownership information shall be obtained and reviewed in order to determine the title to the land under consideration for acquisition.

(3) The District shall contact the owner or his representative to ascertain the availability of the interest desired in the land and the willingness of the owner to negotiate.

(4) The District shall obtain at least one written appraisal pursuant to Section 40A-9.052.

(5) The District shall attempt to acquire each parcel through voluntary negotiation prior to consideration of proceedings in eminent domain.

(6) All contracts to purchase shall be contingent upon Board approval, and shall be reduced to writing and approved by legal counsel.

(7) The District shall attempt to negotiate the acquisition of desired parcels in accordance with the following procedure:

(a) The District shall contact each owner or authorized representative and make an offer to acquire.

(b) A "Negotiation Report" may be prepared and presented to the Governing Board, which shall summarize such negotiations, including the amount of offer made by the District, and any counter-offer made by the property owner.

(c) In the event an offer is accepted, the District shall arrange for the proper execution and recording of all necessary documents.

(d) When a negotiated purchase cannot be readily attained, the District may prepare a memorandum for Governing Board approval which shall include:

1. A request for resolution to institute eminent domain proceedings.
2. Identification of parcels by title memorandum number.
3. Legal interest or estate considered for acquisition.

(e) The District may accept donations of land. In such event, the provisions of this subsection shall be followed, except that an appraisal is not required.  
*Specific Authority 373.016, 373.044 FS. Law Implemented 373.103, 373.139, 373.59 FS. 17-42.030(4) FAC. History—New 4-12-83, Amended 5-5-87.*

**40A-9.045 Acquisition Procedures; Condemnation.**

(1) Proceedings in eminent domain shall not be commenced until authorized by the Board.

(2) The Board may adopt a resolution authorizing the institution of eminent domain proceedings, which resolution shall meet the requirements of applicable Florida law for proceedings in eminent domain.

*Specific Authority 373.016, 373.044 FS. Law Implemented 373.103, 373.139, 373.59 FS. History—New 4-12-83.*

**40A-9.051 Surveys.**

(1) In order to determine the location, acreage and legal description of land to be acquired, the District shall obtain a survey.

(2) Survey requirements may be waived in whole or in part by the Governing Board. In the event the survey requirements are waived in whole or part, the District shall then use the best available data in order to arrive at the boundaries and acreage of the land to be acquired.

(3) All surveys shall meet the minimum technical standard for land surveying in the State of Florida as adopted by the Florida State Board of Land Surveyors.

*Specific Authority 373.016, 373.044 FS. Law Implemented 373.103, 373.139, 373.59 FS. History—New 4-12-83.*

**40A-9.061 Appraisals.**

(1) All lands to be acquired, except those to be acquired by donation, shall be appraised by at least one real estate appraiser.

(2) Prior to contracting with the District, each appraiser selected shall submit an affidavit substantiating that such appraiser has no vested or fiduciary interest in the property to be appraised, except for the professional fee.

(3) After a contract between the District and the appraiser has been executed, the District shall transmit all pertinent data to the appraiser regarding the assignment.

(4) An appraisal shall be approved by the Governing Board prior to any offer of purchase to a landowner.

*Specific Authority 373.016, 373.044 FS. Law Implemented 373.103, 373.139, 373.59 FS. 17-42.030(4) FAC. History—New 4-12-83, Amended 5-5-87.*

**40A-9.065 Disclosure of Beneficial Interest.**  
In all cases where title is not held in the name of the beneficial owner, the requirements of Chapter 286.23, Florida Statutes, will be met.

*Specific Authority 373.016, 373.044 FS. Law Implemented 373.103, 373.139, 373.59 FS. History—New 4-12-83.*

**40A-9.071 Funding — Acquisition.**

(1) For lands acquired by negotiation and purchase, the Board shall request the Department to release monies from the fund by adopting a resolution which shall comply with Rule 17-42.030, Florida Administrative Code.

(2) For lands acquired by eminent domain, subsequent to the adoption of a resolution authorizing eminent domain proceedings, the Board shall adopt a resolution pursuant to Section (1) above, which in addition shall authorize the Executive Director or other person to request monies from the Fund as follows:

(a) A request from the District for funds sufficient to pay the owner the amount specified in the final judgment or the stipulation and order.

(b) A request from the District for funds sufficient to pay the amount specified in the court's order or the stipulation and order for any costs and fees of the owner, whether incurred in the trial court or an appeal.

(c) A request from the District for reimbursement of all costs and fees incurred by the District associated with such acquisition.

(3) The District shall request the Department to release funds specified in subsection (2) of this section within a sufficient time to allow the District to comply with Section 73.111, Florida Statutes, or Section 74.071, Florida Statutes, if applicable.

*Specific Authority 373.016, 373.044 FS. Law Implemented 373.103, 373.139, 373.59 FS. History—New 4-12-83, Amended 5-5-87.*

**40A-9.075 Management of District Lands.**

(1) Moneys in the Water Management Lands Trust Fund may, in addition to acquisition, be used for the purposes of management, maintenance, and capital improvements.

(2) The District may request to withdraw annually up to 10 percent of its allocation of moneys in the fund for management, maintenance, and capital improvements.

(3) The District may contract with state agencies to perform management and maintenance services.

(4) The District shall prepare management plans for lands acquired under the Save Our Rivers program.

(5) The District shall provide to the Legislature and the Secretary of the Department of Environmental Regulation, on January 15 annually, a report of management activities.

(6) For management of lands acquired by the District under 373.59, Florida Statutes, the District shall request the Department to release moneys from the fund by adopting a resolution which shall comply with subsection 373.59(3), Florida Statutes.

*Specific Authority 373.016, 373.044 FS. Law Implemented 373.59 FS. History—New 5-5-87.*

**40A-9.081 Disposition of Surplus Land.**

(1) The District may sell or exchange District lands which have been acquired with funds from the Water Management Lands Trust Fund or in exchange for property which has been so acquired.

District lands are considered surplus when:

(a) They are not required for District or project purposes pursuant to Section 373.590, Florida Statutes;

(b) They have no significant present or future utility in the land management program of the District; and

(c) They have been declared surplus by the

Board.

(2) All funds received from the sale of surplus lands shall be used to purchase other lands meeting the criteria specified in Section 373.590, Florida Statutes.

*Specific Authority 373.016, 373.044 FS. Law Implemented 373.103, 373.139, 373.59 FS. History—New 4-12-83.*

# CHAPTER 9K-4 PRESERVATION 2000 PROGRAM

9K-4.001	Purpose.
9K-4.002	Definitions.
9K-4.003	General Requirements. (Repealed)
9K-4.0031	General Requirements and Eligibility Standards.
9K-4.004	Submission of Application and Application Materials.
9K-4.005	Eligibility Standards for Matching Grants, Grants and Loans. (Repealed)
9K-4.006	Communications to the Governing Body.
9K-4.007	Determination of Application Completeness.
9K-4.008	Project Evaluation Criteria.
9K-4.009	Partnership Applications Involving One or More Local Governments. (Repealed)
9K-4.010	Conceptual Approval of Applications by the Trust.
9K-4.011	Preparation and Acceptance of Project Plans.
9K-4.012	Title, Acquisition Procedures, Lease Agreements and Transfer of Title.
9K-4.013	Annual Reporting Requirement.

**9K-4.001 Purpose.** This rule chapter is promulgated to set forth the procedures that shall be followed in the Preservation 2000 Program of the Florida Communities Trust, recognizing the legislative intent expressed in Sections 259.101, The Preservation 2000 Act, and Chapter 380, Part III, The Florida Communities Trust Act, Florida Statutes; specifically, to assist local governments to implement the conservation, recreation and open space, and coastal elements of the local comprehensive plans through a program of land acquisition awards for the purposes of natural resource conservation and outdoor recreation.  
*Specific Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.501—515 FS. History—New 11-3-91. Amended 11-1-92.*

## 9K-4.002 Definitions.

(1) "Acquisition" means the act of obtaining real property or interests and rights therein by various legal means to serve natural resource conservation and outdoor recreation.

(2) "Applicant" means an entity eligible pursuant to this rule chapter to submit an application for Preservation 2000 funds through the Florida Communities Trust.

(3) "Application" means a formal request on an approved form for Preservation 2000 funds from the Florida Communities Trust by an applicant, consisting of a project proposal with required documentation submitted pursuant to Rule Chapter 9K-4, Florida Administrative Code.

(4) "Award" means a loan, grant or matching grant from the Trust authorized pursuant to the procedures developed in this rule chapter.

(5) "Capital Improvements Element" means that portion of a local comprehensive plan prepared pursuant to Section 163.3177(3)(b), Florida Statutes, and Rule 9J-5.016, Florida Administrative Code.

(6) "Coastal Element" means the Coastal Management Element of a local comprehensive plan prepared pursuant to Section 163.3177(6)(g), Florida Statutes, and Rule 9J-5.012, Florida Administrative Code.

(7) "Conservation Element" means that portion of a local comprehensive plan prepared pursuant to Section 163.3177(6)(d), Florida Statutes, and Rule 9J-5.013, Florida Administrative Code.

(8) "Data and Analysis" means that portion of an element of a local comprehensive plan that is prepared pursuant to Rule 9J-5.005(2), Florida Administrative Code.

(9) "Department" means the Florida Department of Community Affairs.

(10) "Donation" means a voluntary transfer of title and possession of cash or real property to another without any consideration.

(11) "Environmental Mitigation Land Acquisition Program" means a public agency program designed to collect and dedicate funds to be used for centralized projects that preserve, restore, or enhance natural features as a method of mitigating environmental impacts.

(12) "Future Land Use Element" means that portion of a local comprehensive plan prepared pursuant to Section 163.3177(6)(a), Florida Statutes, and Rule 9J-5.006, Florida Administrative Code.

(13) "Future Land Use Map" means a map or map series included within the future land use element of a local comprehensive plan that meets the requirements of Rule 9J-5.006(4), Florida Administrative Code.

(14) "Governing Body" means that entity described in Rule 9K-1.004(1), Florida Administrative Code.

(15) "Grant" means an award of funds made for the benefit of an applicant and used to acquire real property.

(16) "Greenway" means a linear open space protected and managed as part of linked conservation lands or recreation opportunities. Greenways typically follow natural landscape features such as rivers, streams, shorelines, man-made corridors such as utility and abandoned railroad right-of-ways, and scenic roadways. Greenways may protect the habitat of native plants and wildlife, maintain wildlife movement routes and natural connections, or provide opportunities for outdoor recreation.

(17) "Habitat" means a natural community or communities composed of physical and biological elements that typically support populations of plants and animals.

(18) "Land Development Regulations" means ordinances enacted by local governments for the regulation of any aspect of development that implement and are consistent with the local government comprehensive plan and include any



local government zoning, subdivision, building construction, landscaping or sign regulations or any other regulations controlling the development of land.

(19) "Listed Species" means animal species listed as endangered, threatened or of special concern by the Florida Game and Fresh Water Fish Commission in Rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code; plant species listed as endangered or threatened in Sections 581.185(5)(a)—(b), Florida Statutes; or any plant or animal species identified or designated in the comprehensive plan or ordinance by the local government as being of local concern and warranting special protection.

(20) "Local Comprehensive Plan" as defined in Section 380.503(4), Florida Statutes, means a plan that meets the requirements of Sections 163.3177, 163.3178, and 163.3191, Florida Statutes, and has been found to be in compliance in accordance with Section 163.3184, Florida Statutes.

(21) "Local Government" means county governments and municipalities of the State of Florida.

(22) "Local Match" means the provision of cash, project costs unfunded by the Trust, value of real property donated by a party or parties other than the applicant, or real property owned by the applicant, provided the match is from an eligible source as set forth in Rule 9K-4.0031(9), Florida Administrative Code, and added to Florida Communities Trust award by the applicant for the project cost.

(23) "Matching Grant" means an award made for the benefit of an applicant for an amount of not more than 50% of the total project cost based upon an applicant's commitment to provide the remainder of the total project cost.

(24) "Outdoor Recreation" means the pursuit of leisure-time activities that occur in an outdoor setting and that are dependent on some particular element or combination of elements in the natural environment. These activities include, but are not limited to, saltwater beach and shoreline activities, bicycle riding, boating, camping, fishing, hiking, horseback riding, hunting, nature study, picnicking, freshwater swimming, and visiting archaeological and historical sites.

(25) "Partnership Application" means a joint application for an award submitted to the Trust by two or more eligible applicants.

(26) "Population," when used in this rule chapter, shall be based upon Florida Estimates of Population as published annually by the Population Division, Bureau of Economic and Business Research, University of Florida.

(27) "Prime Aquifer Recharge Area" means generally within, but not limited to, high recharge areas that are afforded a higher level of protection due to contributions to present and future ground water including the protection and maintenance of natural systems and public water supply.

(28) "Preservation 2000 Funds" means proceeds from the Preservation 2000 Trust Fund created by Section 375.045, Florida Statutes,

distributed to the Department of Community Affairs pursuant to Section 259.101(3)(c), Florida Statutes, for the purpose of providing land acquisition awards through the Florida Communities Trust Preservation 2000 Program.

(29) "Project" means any work on, improvement to, or acquisition of real property, buildings, or any other property.

(30) "Project Area" means those lands and waters within and adjacent to the applicant's jurisdiction that may affect the project site.

(31) "Project Cost" means the total of project site acquisition costs and may include the cost of the following items prepared consistent with Section 253.025, Florida Statutes, and Rule Chapter 18-1, Florida Administrative Code: purchase price for acquisition of all or a portion of the project site; certified survey or boundary map containing an adequate legal description of the property; appraisal report(s); evidence of marketable title; title insurance premium; reasonable real estate fees or commissions paid by the applicant for acquisition services, if any; and costs of environmental audits.

(32) "Project Plan" means a detailed description of a proposed project that has received conceptual approval for an award from the Trust and has been prepared pursuant to the requirements of Rule 9K-4.011, Florida Administrative Code.

(33) "Project Site" means the specific area(s), defined by a survey or boundary map and legal description, where Trust funds and local match are proposed to be used for a project. Project site may include non-contiguous areas, so long as contiguity through other public ownership is demonstrated.

(34) "Real Property" means any interest in land and may also include any appurtenances and improvements to the land.

(35) "Recreation and Open Space Element" means that portion of a local comprehensive plan prepared pursuant to Section 163.3177(6)(e), Florida Statutes, and Rule 9J-5.014, Florida Administrative Code.

(36) "Recreational Improvement Land Acquisition Program" means a locally established program designed for the collection and dedication of funds, such as a recreation impact fee, that are used to provide for or improve outdoor recreational opportunities as a method of offsetting increased need for such opportunities caused by new development or to mitigate impacts on existing resource-based parks.

(37) "Trust" means the Florida Communities Trust, a nonregulatory agency and instrumentality, which is a public body corporate and politic, created within the Department of Community Affairs pursuant to Chapter 380, Part III, Florida Statutes, or the governing body of the Florida Communities Trust.

*Specific Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.501—515 FS. History—New 11-3-91. Amended 11-1-92.*

**9K-4.003 General Requirements.**

*Specific Authority 380.507(1), FS Law Implemented 120.55(1)(a), 259.101, 259.101(3)(c), 380.505, 380.508, 380.510 FS History—New 11-3-91 Repealed 11-1-92*

**9K-4.0031 General Requirements and Eligibility Standards.** The following constitutes the general procedures for the Preservation 2000 Program of the Florida Communities Trust.

(1) **Meetings of the Trust.** The fiscal year of the Trust is July 1—June 30. The Trust governing body will hold public meetings at least quarterly during each fiscal year. Beginning in July 1993, conceptual approval of applications by the Trust will occur during the first and, if funds remain that have not been awarded, the third quarter of each fiscal year. All meetings of the Trust shall be conducted consistent with Rule Chapter 9K-1, Florida Administrative Code.

(2) **Local Comprehensive Plans.** All awards of Preservation 2000 funds shall be for the purpose of assisting a local government to implement or bring into compliance its local comprehensive plan by furthering the conservation, recreation and open space, or coastal elements of local comprehensive plans through land acquisition for natural resource conservation and outdoor recreation.

(3) **Application Form.** Application Form FCT/P2000-2 is prescribed for use with these rules and is incorporated by reference. Applications for funding must be submitted on Application Form FCT/P2000-2. A copy may be obtained by writing to the Executive Director, Florida Communities Trust, 2740 Centerview Drive, Tallahassee, FL 32399-2100, or by calling 904/922-2207 (SunCom 292-2207). As a part of the application process the Trust will request supplementary information from applicants to be used in identifying future needs and collecting information about applicants.

(4) **Distribution of Awards.** Preservation 2000 funds are distributed as awards for the benefit of applicants after a competitive evaluation of timely submitted complete applications. Preservation 2000 funds shall be limited to use for the land acquisition project costs set forth in complete applications submitted for awards.

(5) **Eligible Applicants.** All local governments that have submitted a proposed local comprehensive plan to the Department are eligible to submit applications for funding by the Trust without regard to the compliance status of the plan. Prior to receiving project plan approval, as described in Rule 9K-4.011(2), Florida Administrative Code, the local comprehensive plan of an applicant, and the applicant's partner(s) if any, must either be found in compliance as defined in Rule 9K-4.002(20), Florida Administrative Code, or the local government(s) must have executed a stipulated settlement agreement(s) with the Department to resolve all of the issues raised by the Department in a statement of intent to find a plan not in compliance issued pursuant to Section 163.3184(8), Florida Statutes.

(6) **Program Amount Allocation.**

(a) At least one half of the available Preservation 2000 funds shall be matched by local

governments. All applicants shall provide some level of local match toward the project costs, except as further described in Rule 9K-4.0031(6)(c), Florida Administrative Code.

(b) Ten percent of the Preservation 2000 funds shall be used specifically for matching grant awards on a dollar-for-dollar basis to counties that submit applications for acquisitions within an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

(c) The Trust shall reserve and award a portion of the Preservation 2000 funds for awards, for which no local match is required, for the benefit of small local governments, as follows: county governments with populations of 50,000 or fewer and city governments with a population of 5,000 or fewer.

(7) **Notice of Application Period.** The Trust shall announce the amount of Preservation 2000 bond funds available for awards, the limitation on award amounts, the amount of funds available for awards that do not require a local match, the amount of funds available for applications from counties for acquisitions of lands located in Areas of Critical State Concern, and applicable deadlines in the Notice of Application Period published in the Florida Administrative Weekly. The amounts published shall be subject to the amount of funds on deposit in the Trust Preservation 2000 Trust Fund on the date of preparation of the Notice of Application Period.

(8) **Limitation of Awards.** The amount of any award or combination of awards to an applicant for a project or projects given conceptual approval by the Trust governing body shall not exceed ten percent of the total Preservation 2000 funds as advertised available for awards out of any Preservation 2000 bond issue, except awards to partnership applicants. Awards for partnership applications, pursuant to section (13) below, shall not exceed twenty percent of the total Preservation 2000 funds as advertised available for awards out of any Preservation 2000 bond issue.

(9) **Eligible Sources of Local Match.** Applicants may use funds generated by a local government, state or federal grants or loans, private donations, or environmental mitigation or recreational improvement land acquisition funding programs, including environmental mitigation funds required pursuant to Section 338.250, Florida Statutes, for any part or all of any local match for awards. Applicants may not use funds from the Preservation 2000 Trust Fund pursuant to Section 259.101(3), Florida Statutes, for any part of any local match for an award. Real property owned by the applicant or donated by a party other than the applicant may be an eligible source for a local match, provided that any real property owned by the applicant has been acquired, by the applicant, within one year of the publication date of the Notice of Application Period for which the application is made. Further, any real property utilized by a local government as a local match must be included in the application and will be considered part of the project site.

(10) Loans

(a) The Trust shall consider the award of loans to applicants with a demonstrated ability to repay a loan in a timely manner under the following circumstances:

1. The applicant specifically requests a loan; or
2. The applicant does not qualify for an award pursuant to section (6)(c), above; or
3. The applicant requests the loan specifically to establish an environmental mitigation or recreational improvement land acquisition program.

(b) Funds received by the Trust as repayment of loans shall be deposited into the Trust's Preservation 2000 trust fund of the bond issue out of which those funds were originally awarded and shall be available for awards during the next funding period.

(c) The Trust shall require repayment of loans, with a rate of interest not to exceed 1.5 percent over the bond yield of the Preservation 2000 bond issue that is the source of the loan.

(11) Environmental Mitigation or Recreational Improvement Land Acquisition Programs. An application for a loan for an environmental mitigation or recreational improvement land acquisition program may be submitted by a local government for a program designed to provide mitigation for development occurring within and outside that local government's jurisdiction. The Trust may fund no more than one such application per bond series in an amount not to exceed ten percent of the Preservation 2000 funds available to the Trust from that bond series. A loan to a local government for an environmental mitigation or recreational improvement land acquisition program as described in this section shall not be included in the limitation of awards to that local government described in Rule 9K-4.0031(8), Florida Administrative Code.

(12) Ancillary Improvements Projects. In cases where an applicant specifically proposes an acquisition of a project site that is necessary to provide public access to property already owned by the applicant, the project evaluation shall include the outdoor recreational opportunities that shall be made available at the existing property by the acquisition of the ancillary project site. The outdoor recreational criterion applicable to the existing site shall be included in the evaluation of the proposed project site.

(13) Partnership Applications Involving One or More Local Governments.

(a) To be considered for a partnership application, the following information must be submitted as part of the application in addition to those items identified in Rule 9K-4.004(4), Florida Administrative Code:

1. a statement from the applicant describing the division of responsibilities among the partners, including fiscal and management commitments and purposes and objectives of the proposed joint project;
2. any interlocal agreements relative to the proposed joint project;

3. relevant sections of the applicant's and the partner's local comprehensive plan discussing intergovernmental coordination efforts furthered by the proposed joint project.

(b) The local comprehensive plan of the jurisdiction(s) within which the proposed joint project is located will be evaluated pursuant to Rule 9K-4.008(1), Florida Administrative Code.

(c) Any awards for partnership applications shall, for purposes of calculation of award limitations, be divided equally among all the partners in the partnership and shall be counted towards the limitation of awards to individual partners pursuant to Rule 9K-4.0031(8), Florida Administrative Code.

*Specific Authority 380.507(11) FS. Law Implemented 120.551(1)(a)(4), 259.101, 259.101(3)(c), 375.045, 380.505, 380.508, 380.510 FS. History—New 11-1-92.*

**9K-4.004 Submission of Application and Application Materials.**

(1) Applications must be submitted by mail or delivered to the Executive Director, Florida Communities Trust, 2740 Centerview Drive, Tallahassee, Florida 32399-2100. To be timely submitted, applications must be received on or before the published application deadline.

(2) Deadlines for submitting applications shall be announced in the Florida Administrative Weekly at least seventy-five days prior to each deadline.

(3) Applicants must submit ten complete sets of materials. One set must contain original text and non-text items. The remaining nine sets may contain legible first generation copies of text and non-text items, unless otherwise specified in the application form.

(4) To receive full consideration by the Trust, all applications shall contain the following categories of information in a cost-effective form available to the applicant:

- (a) Project description
  1. Location of project site on a United States Geological Survey 7½ minute quadrangle map.
  2. Map depicting property boundaries, access points and acreage using an appropriate scale.
  3. Statement of purpose and objectives, including a discussion of reasons in support of project site acquisition, and future uses, improvements, facilities, and activities intended on the site. For partnership applications, the statement should address the purposes and objectives of the joint project.
  4. Aerial photographs (1 inch = 2,000 feet or greater detail), if available, in one or more of the following formats in order of preference:
    - a. color infra-red (false color), or
    - b. color, or
    - c. black and white
  5. Documentation of on-site features, which may include but are not limited to vegetative communities, water bodies, shorelines, wildlife, unique biological or geological features, or historical or archaeological features, depicted on one set of labeled 35mm color slides. Standard

VCR video footage may also be submitted in addition to slides.

6. Description of the physical characteristics, as listed below:

a. Soils as depicted on United States Soil Conservation Service soil survey, if available;

b. On-site topographic survey, or United States Geological Survey 7½ minute quadrangle series map;

c. A map depicting vegetative communities, utilizing one or more of the following: the Florida Land Use, Cover, and Forms Classification System (Florida Department of Transportation, 1985); or the Florida Natural Areas Inventory classification system. The map should be of an appropriate scale to provide sufficient detail for assessment of the project site. The approximate acreage of the various vegetative communities is required;

d. Narrative description of hydrology of project site, including surface drainage, floodplain, aquifer recharge characteristics, and maps illustrating hydrology, if available and appropriate for the project site;

e. Description of physical improvements, alterations, or disturbances occurring on the project site and the approximate acreage.

(b) Local comprehensive plan information, as listed below (maps may be submitted in report size format and, if necessary, hand drawn, to fulfill the map requirements of this section).

1. Map covering the project area that indicates future land use designations;

2. Map covering the project area that depicts existing land uses;

3. Map covering the project area that identifies lands in use for natural resource conservation and outdoor recreation if not indicated on other maps submitted as part of the application;

4. Relevant sections of the local comprehensive plan elements including (as applicable) the conservation, coastal, recreation and open space, future land use, capital improvements, and optional elements and documents or studies that support the plan;

5. Statement, with cross-references to specific comprehensive plan goals, objectives and policies and the appropriate provisions in the support documents, describing how the project will assist the local government in implementing the recreation and open space, conservation, or coastal management elements of the comprehensive plan. For partnership applications this statement should be based on the local comprehensive plan of the jurisdiction(s) in which the project site is located, as well as relevant goals, objectives and policies of the local comprehensive plan of the application partner(s). If the project site is not wholly contained within one jurisdiction, then the appropriate sections of the comprehensive plans of the various local governments wherein the project site lies are required to be cited.

6. A copy of all applications for amendments to the comprehensive plan, including amendments to the future land use map, that apply to the project site or the project area.

(c) Estimated project cost information, form, source and amount of local match.

(d) Conceptual management plan and source of funding for management. Pursuant to Section 375.045(3), Florida Statutes, lands acquired using Preservation 2000 funds shall be managed to make them available for public recreational use, provided that the recreational use does not interfere with the protection of natural resource values.

(e) Application form FCT/P2000-2 with all parts completed.

(f) Description of any existing or proposed utility or road easements on the project site and a site map identifying the easements. Description of other land uses or impacts in any of the comprehensive planning elements that may impact the site. Identify the section of the comprehensive plan and explain the impact to the project site.

*Specific Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.508, 380.510 FS. History—New 11-3-91, Amended 11-1-92.*

#### **9K-4.005 Eligibility Standards for Matching Grants, Grants and Loans.**

*Specific Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.508, 380.510 FS. History—New 11-3-91, Repealed 11-1-92.*

**9K-4.006 Communications to the Governing Body.** After an application has been formally submitted for funding under the conditions described herein, all communications to the governing body of the Trust regarding any application under consideration shall either be in writing and mailed or delivered to all members of the governing body, mailed or delivered to the Executive Director for distribution to all members of the governing body or be presented in writing or orally to the governing body in a public meeting of the Trust.

*Specific Authority 380.507(11) FS. Law Implemented 380.508 FS. History—New 11-3-91, Amended 11-1-92.*

#### **9K-4.007 Determination of Application Completeness.**

(1) Following closure of an application submission period, Trust staff will review all applications for completeness. Notice of Completeness will be sent to applicants by first-class mail within 25 working days following the application deadline. The notice will state whether or not the application was timely received and whether or not the application was found to be complete.

(2) Applications received after the published deadline shall not be considered by the Trust unless an exception for good cause is made by the Executive Director of the Trust. Good cause shall be based on whether the applicant made diligent effort to provide the application on or before the published deadline, but due to the negligence of the delivery service the application was not timely received.

(3) A determination of completeness will be based on the inclusion of all items listed in Rule 9K-4.004(3) and (4), Florida Administrative Code.

and responses to all criteria listed in Rule 9K-4.008, Florida Administrative Code.

(4) If an application is found to be incomplete, the applicant will be notified of the deficiency in the Notice of Completeness and provided an opportunity to complete the application. Materials requested in the Notice of Completeness must be received by the Trust within 15 working days following the date that the Notice of Completeness is mailed to the applicant. Failure to timely provide the information required in the Notice of Completeness shall be deemed to be a request to withdraw the application from further consideration by the Trust.

(5) No additional information shall be accepted after the deadline stated in the Notice of Completeness, unless specifically requested by the Trust staff for clarification purposes. Without exception any clarification information requested by the staff shall be received by the Trust no later than 30 days prior to the ranking and selection meeting. Information that by the due diligence of the applicant could not have been discovered and submitted with the application will be considered new information. The Trust will accept new information subsequent to the application deadline. The Trust staff requests that all new information be provided to the staff no later than 24 hours prior to the ranking and selection meeting.

*Specific Authority 380.507(1) FS. Law Implemented 380.508 FS. History—New 11-3-91. Amended 11-1-92.*

**9K-4.008 Project Evaluation Criteria.** The evaluation of complete applications shall be based on the criteria set forth in this section. Trust staff will be responsible for evaluating applications and recommending point scores to the governing body. Trust staff shall utilize the information contained in the application and information obtained during its review of the application for scoring recommendations to the governing body. Personnel from other state agencies, regional planning councils, water management districts, nonprofit organizations, and other public and private groups may assist the Trust staff in project evaluation as needed on an application-by-application basis. Unless otherwise noted, an application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion.

(1) **Furtherance of Growth Management and Comprehensive Plan Implementation** (up to 105 points, as follows, based on whether one or more of the following criteria are met:)

(a) **Growth Management Objectives.** The project supports and furthers growth management objectives as they relate to natural resource conservation, coastal protection, and outdoor recreation. Up to 35 points based on whether:

1. the local comprehensive plan and land development regulations provides for the protection of natural resources, coastal resources or outdoor recreational activities from adverse impacts that may result from uses or activities occurring on adjacent lands (5 points);

2. the proposed project will assist the applicant in ensuring the proper location and distribution of appropriate residential or urban densities (10 points);

3. the proposed project will help rectify land use conflicts associated with antiquated subdivisions or vested land uses that became non-conforming as a result of adoption of the local comprehensive plan (10 points);

4. the proposed project will provide additional outdoor recreation opportunities within the urban service area (10 points).

(b) **Local Comprehensive Plan Provisions for Natural Resource Conservation, Coastal Protection, and Outdoor Recreation.** Acquisition of the project site will assist the local government in furthering the local comprehensive plan directives set forth in the objectives and policy statements contained in the plan elements that provide for natural resource conservation, coastal protection, and outdoor recreation. When used in this part, the term "furthered" means that proposed projects will assist the local government in realizing goals, objectives, or policy directives of the comprehensive plan. Up to 70 points based on whether:

1. comprehensive plan directives that ensure the protection of natural areas through public acquisition are furthered by the proposed project (5 points);

2. comprehensive plan directives that ensure the preservation of rare or threatened vegetative communities are furthered by the proposed project (5 points);

3. comprehensive plan directives that provide for standards or programs to ensure the protection of listed animal species or habitats of listed species are furthered by the proposed project (5 points);

4. comprehensive plan directives that ensure the protection or enhancement of beach, or shoreline ecosystems, are furthered by the proposed project (5 points);

5. comprehensive plan directives that provide for standards or programs to restore or enhance degraded natural areas (including, but not limited to, removal of non-native vegetation, reforestation, shoreline or dune restoration, or restoration of natural hydrology) are furthered by the proposed project (5 points);

6. comprehensive plan directives that ensure the protection or enhancement of surface and groundwater quality are furthered by the proposed project (5 points);

7. comprehensive plan directives that provide for standards or programs to protect or restore aquatic vegetation (including, but not limited to, aquatic weed control, restoration or creation of aquatic grass beds, or shoreline restoration) are furthered by the proposed project (5 points);

8. comprehensive plan directives that ensure or enhance public access to publicly-owned or publicly accessible natural areas (including, but not limited to, water bodies, saltwater beaches, and to existing protected areas) are furthered by the proposed project (5 points);

9. the proposed project will provide for acreage or outdoor recreational facilities necessary to maintain or improve levels of service or other standards established in the comprehensive plan for outdoor recreation areas (10 points);

10. comprehensive plan directives that ensure the provision of facilities for outdoor recreation activities (including, but not limited to, nature trails or boardwalks, waterway trails, interpretive displays, educational programs, or wildlife observation areas) are furthered by the proposed project (5 points);

11. future land use designations or comprehensive plan directives with the purpose of creating natural area greenways consisting of environmentally sensitive lands or outdoor recreation opportunities are furthered by the proposed project (5 points);

12. comprehensive plan directives that ensure the preservation of unique geological and historical sites are furthered by the proposed project (5 points);

13. comprehensive plan directives that provide for coordination with existing resource protection plans such as resource planning and management committee plans, aquatic preserve management plans, and estuarine sanctuary plans are furthered by the proposed project (5 points).

(2) Furtherance of Natural Resource Conservation, Coastal Protection, and Outdoor Recreation (up to 100 points, as follows, based on whether one or more of the following criteria are met):

(a) Protection of Vegetative Communities. Ecologically viable natural vegetative communities occur on the project site. Up to 20 points based on whether:

1. the project site contains predominantly native forested or non-forested vegetative communities that have not been subjected to significant disturbances or alteration as a result of current or past human activities (5 points);

2. the project site contains native vegetative communities or plant species that are recognized as rare or threatened locally or regionally in the applicable comprehensive regional policy plan, local comprehensive plan, or by the state (5 points);

3. the project site contains types of vegetative communities recognized by the Florida Natural Areas Inventory as "imperiled" or "critically imperiled" (5 points);

4. degraded or altered vegetative communities that occur on the project site will be restored or enhanced to their natural state in terms of biological composition and ecological function (5 points).

(b) Protection of Wildlife. The project site protects wildlife populations or their habitat. Up to 15 points, based on whether:

1. the project site contains habitat recognized by appropriate state or federal agencies as typically suitable for one or more listed animal species (5 points);

2. one or more listed animal species have been recently documented by professionally accepted

methods to use all or a portion of the project site as habitat (5 points);

3. the project site supports or is critical to the recovery or maintenance of regionally significant populations (as recognized by the appropriate agency) of one or more listed animal species, or colonial or migratory birds (5 points).

(c) Protection of Water Resources. The project site protects the quality and quantity of surface and groundwater resources. Up to 15 points, based on whether:

1. the quality of surface waters occurring on the project site is proposed to be improved through programs including, but not limited to, the elimination of pollution sources, or restoration of aquatic habitat (5 points);

2. surface water resources occurring on or adjacent to the project site are designated as Class II waters, Outstanding Florida Waters, a National Estuary or Marine Sanctuary, aquatic preserve, wild and scenic river, or other local government special status designation intended to protect the natural resources and water quality of the water body (5 points);

3. the project site protects prime aquifer recharge areas or potable water supply areas as recognized by the applicable water management district, United States Geological Survey, or (with appropriate support documentation) other local, state, or federal agencies (5 points).

(d) Providing Outdoor Recreation. The project site provides for outdoor recreation opportunities. Up to 50 points, based on whether:

1. the project site will be utilized as urban open space and is accessible and usable to the population concentrations located within the local government's jurisdiction (10 points);

2. the proposed project will provide nature trails, boardwalks, waterway trails, wildlife observation areas, scenic overlooks, interpretive displays or other such facilities to promote outdoor recreation with as minimal disturbances as possible to the natural resources on the project site (10 points);

3. the acquisition of the project site will provide for new or enhanced access for outdoor recreational or management purposes to other natural areas used for outdoor recreation including, but not limited to existing parks, greenways and waterways (10 points);

4. the project site contains intact salt or freshwater beach that will be managed for recreation uses while preserving the natural character and functions of the site (10 points);

5. the proposed project will provide educational programs and other such facilities on the project site to promote protection of natural resources (10 points).

(3) Innovative, Unique, and Outstanding Project Elements (up to 90 points, as follows, based on whether one or more of the following criteria are met)

(a) Acquisition. The proposed project provides for alternatives to the acquisition of fee interests in land, including, but not limited to, acquisition of less than fee interest of all or a significant portion of

the project site through conservation easements, development rights, leases, and leaseback arrangements (5 points).

(b) Management. The proposed project will provide for innovative and outstanding land and/or water management techniques or facilities design that promote natural resource conservation, coastal protection, or outdoor recreation (5 points).

(c) Special Planning and Management Areas (5 Points)

1. Areas of Critical State Concern. The project site is located within an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes, and the applicant is not requesting funding under Rule 9K-4.0031(6)(b), Florida Administrative Code (5 points); or.

2. Resource Planning and Management Areas. The project site is located within a Resource Planning and Management Area as designated pursuant to Section 380.045, Florida Statutes (5 points).

(d) Unique Site Features. The project site contains unique natural features, or historical, archeological or cultural sites as recognized in the local comprehensive plan or by the appropriate state or federal agency (10 Points).

(e) Multiple Benefits. The acquisition of the project site is being pursued in conjunction and collaboration with other state, federal, local, or non-profit agencies acquiring adjacent lands. The multiple acquisition of these sites by multiple agencies will provide synergistic benefits for resource conservation and/or outdoor recreation (5 points).

(f) Neighborhood Park. The entire site is proposed for use as a neighborhood park less than 10 acres and located along streets where people can walk or bike without encountering heavy traffic, or is of a size defined as a neighborhood park in the local plan (10 points).

(g) Urban Core Park. The project site is located within a built up commercial, industrial, or mixed use area and functions to intersperse congested urban core areas with open areas (10 points).

(h) Providing a Greater Share of the Match. The applicant is committed to providing a greater percentage of a local match for an award. Up to 20 points based on whether:

1. the applicant provides a local match for 50 percent or more of the project costs (10 points); or
2. the applicant provides a local match for 55 percent or more of the project costs (15 points); or
3. the applicant provides a local match for 60 percent or more of the project costs (20 points).

(i) Greenway Network. The project will enhance a local or regional network of linked greenways by connecting two or more greenways, by extending existing greenways, or by contributing to closing gaps in existing greenways (10 points).

(j) Project Excellence. The proposed project furthers natural resource conservation, coastal protection, outdoor recreation or growth management in a manner that cannot be

adequately evaluated with the criteria established elsewhere in this rule chapter (up to 10 points).

*Specific Authority 380.507(1); FS. Law Implemented 259.101, 375.045(3), 380.510 FS. History—New 11-3-91. Amended 11-1-92.*

#### **9K-4.009 Partnership Applications Involving One or More Local Governments.**

*Specific Authority 380.507(1); FS. Law Implemented 380.510 FS. History—New 11-3-91. Repealed 11-1-92.*

#### **9K-4.010 Conceptual Approval of Applications by the Trust.**

(1) Evaluation Report. After a period for technical review, not to exceed 120 days from the closing date of the application period, the Trust staff shall prepare a written evaluation report for consideration by the governing body that includes the following:

(a) A summary of each project, the type of award requested and the scoring it received in the evaluation categories pursuant to Rules 9K-4.008(1), (2), and (3), Florida Administrative Code.

(b) A scoring of applications in descending order by point totals in each of the evaluation categories described in Rule 9K-4.008(1), (2), and (3), Florida Administrative Code.

(c) A statement of the total amount of Preservation 2000 funds available for awards from each bond issue, as advertised in the Florida Administrative Weekly announcement of the Notice of Application Period.

(2) Application Selection by the Trust. The governing body shall meet for the purpose of selecting applications for conceptual approval.

(a) The Trust may schedule a sufficient number of meetings to conduct the activities described in this part, so long as the meeting at which conditions for conceptual approval of applications is given occurs no later than 60 days from the date of the meeting at which the staff evaluation report is given to the governing body.

(b) The governing body shall consider each application submitted to the Trust for funding and approve or modify the point scoring totals assigned to each application in the staff evaluation report. Decisions to modify point totals shall be based on review of applications by the governing body, oral presentations presented to the governing body by staff, and public presentations to the governing body by applicants and other members of the general public.

(c) Recognizing that the primary responsibility for establishing well-planned land use rests at the local government level through the implementation of the local comprehensive plan, the Trust shall place added emphasis on those projects that further the growth management and comprehensive plan implementation criteria set forth in Rule 9K-4.008(1), Florida Administrative Code, by adjusting the score upward in this category by a factor of 1.5.

(d) After a final determination of the scoring of each application in each evaluation category, the governing body shall consider the point totals in

each evaluation category, as well as any other relevant factors not considered directly in the assignment of point totals, and rank the applications in descending order, with the highest ranking application being given highest funding priority.

(e) After ranking the applications in descending order, the governing body, beginning with the application with the highest ranking and moving in order down the list, shall select applications until ninety-five (95) percent of the Preservation 2000 funds available for awards are encumbered, accounting for each of the categories of allocated funds set forth in Rule 9K-4.0031(6), Florida Administrative Code, and accounting that at least half of the funds available are matched on a dollar-for-dollar basis.

(f) After application ranking but prior to the meeting for conceptual approval at which the Conceptual Approval Agreements are approved, the Trust staff may conduct site visits or other investigations. If such visits or investigations reveal undisclosed facts or erroneous evaluation conclusions, the Trust staff shall report such findings to the governing body at the meeting for conceptual approval. The Trust governing body shall have the right to impose conditions relevant to these findings, or any other conditions deemed necessary to protect the interests of the State of Florida. Such conditions will be imposed on the applicant at the conceptual approval meeting. Applicants will be advised of the conditions prior to the meeting. Any such conditions must be met by the applicant prior to receiving project plan approval. Further, the governing body shall have the right to alter the ranking of applications based on the site visit or investigation findings.

(g) At the conclusion of the meeting for conceptual approval of applications, those applications selected for funding pursuant to the provisions of this part will be considered to have received conceptual approval for funding. The Trust shall publish a Notice of Conceptual Approval in the Florida Administrative Weekly that shall list all applications considered, whether the application has received conceptual approval or not, and the amount of funding conceptually approved for each applicant.

(h) Any person with substantial interests that are or may be determined by the conceptual approval of funds for projects by the Trust may request an administrative proceeding pursuant to Section 120.57, Florida Statutes, and Rule 9K-1.008, Florida Administrative Code, within 21 days of publication of the Notice of Conceptual Approval.

(i) If for any reason funds awarded to a conceptually approved application become available prior to the opening of the next application cycle, those funds committed to the project by the Trust may then be committed to a lesser ranked project on the Notice of Conceptual Approval for the same series funding cycle.

(j) If the project site is comprised of multiple parcels, the applicant, in conjunction with the Trust

staff, shall develop an acquisition plan to be made a part of the Conceptual Approval Agreement. The plan shall identify the priority parcels, the general order in which parcels will be acquired and the measures that will be taken to assure that all reasonable effort is made to secure the entire project site.

(k) Conceptual approval for funding shall be for a period not to exceed nine (9) months from the date of the meeting at which the conceptual approval was given. Project plans that have not received project plan approval prior to the conclusion of the nine-month period may request an extension to the Conceptual Approval Agreement from the Trust. An extension request must be made in writing to the Executive Director of the Trust, fully explaining the reason for the delay and the extension requested. The request for an extension must be received prior to 5:00 p.m. at the Trust offices on the last day of the nine-month conceptual approval period. When a conceptually approved project has not received project plan approval and the nine-month approval period has passed without a request for an extension, the application will be deemed withdrawn and the funds committed to the project by the Trust shall then be committed to applications that are conceptually approved in subsequent funding cycles.

*Specific Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.510 FS. History—New 11-3-91. Amended 11-1-92.*

#### **9K-4.011 Preparation and Acceptance of Project Plans.**

(1) All applicants that have received conceptual approval from the Trust must prepare a project plan for approval by the governing body. This project plan must include the following:

(a) A signed agreement for acquisition of the project site based on an appraisal or appraisals prepared consistent with the requirements of Chapter 253.025, Florida Statutes, and be otherwise consistent with the provisions of that chapter. This signed agreement may be negotiated by either the Trust, or by the applicant pursuant to the multi-party agreement between the Trust and the applicant.

(b) A management plan which at a minimum sets forth how the site will be managed to further the purpose of the project, a description of all planned improvements to the project site, the costs and funding sources, and the management entity and its funding source. If the applicant is not the proposed managing entity, the project plan must include a signed agreement between the applicant and the managing entity stating the managing entity's willingness to manage the site, the manner in which the site will be managed to further the purpose(s) of the project, and identification of the source of funding for management.

(c) A statement of the total project cost, including all non-recurring costs of project development.

(d) A statement of the amount of the award being requested from the Trust.



(e) A statement from each local government in whose jurisdiction the project site is located that the project plan is consistent with the local comprehensive plan.

(f) Evidence that the conditions imposed as part of the conceptual approval have been satisfied.

(2) The governing body shall decide whether to approve the project plan based upon the applicant's compliance with the Conceptual Approval Agreement, the requirements of paragraph (1) and the following:

(a) As a general rule, the governing body shall reject any project plan in which the amount of the award being requested from the Trust exceeds by more than five percent the amount of the award contained in the Conceptual Approval Agreement, or if a local match is less than committed to in the Conceptual Approval Agreement.

(b) The governing body shall reject any project plan if any portion of the project plan is insufficient to carry out the purpose of the project or is inconsistent with statutory or administrative requirements.

(c) Project plans for applications that have been conceptually approved for funding will be considered for approval by the Trust at the next scheduled meeting of the governing body in the order in which project plans are received until all Preservation 2000 funds for the funding period are committed.

(d) Applicants requesting approval of project plans by the governing body must submit the project plan on or before the deadline for submittal, which shall be announced in the Florida Administrative Weekly prior to each quarterly meeting of the governing body.

(e) The Trust staff shall review project plans for completeness of all items required under this part. Project plans found incomplete by staff may be made complete by the applicant, so long as the complete project plan is received prior to the announced deadline described above. Project plans completed after the deadline shall be considered at the next quarterly meeting of the governing body for which the announced deadline is met by the applicant.

(f) Any application with conceptual approval whose project plan is not rejected by the governing body but for which sufficient Preservation 2000 funds are not available will be approved for Preservation 2000 funds from the next funding period.

(g) An applicant whose project plan is rejected by the Trust may amend the project plan for reconsideration at the next quarterly meeting of the Trust governing body.

(h) The Trust shall withhold project plan approval if the local comprehensive plan of the applicant or the applicant's partner is, for any reason, found not in compliance by the Department after conceptual approval has been granted by the Trust, unless the local government has executed a stipulated settlement agreement with the Department to resolve all of the issues raised by the Department in a statement of intent to find a plan

not in compliance issued pursuant to Section 163.3184(8), Florida Statutes.

(3) The Trust shall publish a Notice of Approval For Preservation 2000 Funds in the Florida Administrative Weekly that shall list each project plan that has received approval for funding, and the amount of funding approved. Any person with substantial interests that are or may be determined by the decision of the Trust to reject or approve the project plan may request an administrative proceeding pursuant to Section 120.57, Florida Statutes, and Rule 9K-1.008, Florida Administrative Code, within 21 days from publication of the Notice of Approval for Preservation 2000 Funds.

(4) After approval of a project plan by the governing body, the Trust shall request approval of the contract by the Board of Trustees of the Internal Improvement Trust Fund.

*Specific Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.507(11), 380.508, 380.510 FS. History—New 11-3-91, Amended 11-1-92.*

**9K-4.012 Title, Acquisition Procedures, Lease Agreements and Transfer of Title.**

(1) All deeds or leases with respect to any real property acquired with funds received by the Trust from the Preservation 2000 Trust Fund and the local match shall contain such covenants and restrictions as are sufficient to insure that the use of such real property at all times complies with Section 375.051, Florida Statutes, and Section 9, Article XII of the State Constitution and shall contain reverter clauses providing for the reversion of title to such property to the Board of Trustees of the Internal Improvement Trust Fund, or, in the case of a lease of such property, providing for the termination of the lease upon a failure to use the property conveyed thereby for such purposes. All such real property shall first be titled in the Board of Trustees of the Internal Improvement Trust Fund prior to the conveyance thereof.

(2) Pursuant to Section 380.507(11), Florida Statutes, acquisitions of land using proceeds from the Preservation 2000 Trust Fund shall be in a manner consistent with the requirements for acquisition of state land specified in Section 253.025, Florida Statutes, and Rule Chapter 18-1, Florida Administrative Code.

(3) Pursuant to Section 380.510(3), Florida Statutes, in the case of an award for land acquisition, agreements shall provide all of the following:

(a) The Trust shall approve the terms under which the interest in land is acquired.

(b) The transfer of land acquired with a Trust award and the local match shall be subject to the approval of the Trust, and the Trust shall enter into a new agreement with the transferee, containing such covenants, reverter clauses, or other restrictions as are sufficient to protect the interest of the people of Florida.

(c) The interest in land acquired with an award from the Trust and the local match may not serve as security for any debt the applicant incurs unless the Trust approves the transaction.

(d) If any essential term or condition of an award is violated, title to all interest in the project site shall immediately revert to the state. The Trust shall treat such property in accordance with Section 380.508(4)(e), Florida Statutes.

(e) If the existence of an applicant that becomes the title holder to lands purchased under this program terminates for any reason, title to all interest in the project site shall immediately revert to the state, unless the Trust negotiates an agreement with another local government which agrees to accept title to all interest in and to manage the property.

(4) Pursuant to Section 380.510(4), Florida Statutes, the Trust shall require in the award agreement terms sufficient to protect the public interest in any improvement or development constructed under an award to an applicant. The agreement shall describe with particularity any real property which is subject to the agreement, and the Trust shall record the agreement in the county in which the real property is located.

*Specific Authority 380.507(1), FS. Law Implemented 380.508, 380.510 FS. History—New 11-3-91. Amended 11-1-92.*

**9K-4.013 Annual Reporting Requirement.** Each award to an applicant shall include a condition that requires an annual report from the applicant benefiting from the award, and title holder if different, in order to verify that conditions imposed at the time the award was made are being followed, to monitor the stewardship and use of the property, to verify the status of conditions in Rule 9K-4.012, Florida Administrative Code, and other sections of this rule chapter, and to collect survey information. The annual report shall be due on the anniversary of the date on which the project plan was approved by the governing body.

*Specific Authority 380.507(1), FS. Law Implemented 259.101, 375.045, 380.510 FS. History—New 11-3-91. Amended 11-1-92.*



**APPENDIX 5**

**REFERENCES**

## REFERENCES

- AIA Research Corporation. Design Guidelines for Flood Damage Reduction. Federal Emergency Management Agency. Washington, D.C.: December 1981. pp. 101.
- American Institute of Architects Foundation. Elevated Residential Structures. Federal Emergency Management Agency. Washington, D.C.: 1984. pp. 137.
- Booker Associates, Inc. Floodproofing Non-Residential Structures. Federal Emergency Management Agency. Washington, D.C.: May 1986. pp.199.
- Coastal Zone Information Center. Coastal Zone Management - A Federal-State Partnership in the Management of Coastal and Marine Resources. National Oceanic and Atmospheric Administration. Washington, D.C.: May 1991. pp. 35.
- Delfino, Joseph J., Frazier, Dinah L., Napshinsky, Janis L. Contaminants in Florida's Coastal Zone: A Review of Present Knowledge and Proposed Research Strategies. Florida Sea Grant College and University of Florida. Gainesville, FL: June 1984. pp.175.
- Emergency Management Institute. Home Study Course...The Emergency Program Manager. Federal Emergency Management Agency. Washington, D.C.: February 1989.
- FAU/FIU Joint Center for Environmental and Urban Problems. A Coastal Barriers Resource Manual: Federal and State Program Highlights. Florida Department of Community Affairs. Tallahassee, FL: December 1986. pp. 105.
- Federal Emergency Management Agency. Disaster Assistance Programs Making Mitigation Work - A Handbook for State Officials. U.S. Government Printing Office. Washington, D.C.: June 1986.
- Federal Insurance Administration. Coastal Construction Manual. Federal Emergency Management Agency. Washington, D.C.: February 1986.

- Federal Insurance Administration. Design Manual for Retrofitting Flood-prone Residential Structures. Federal Emergency Management Agency. Washington, D.C. September 1986. pp. 265.
- Governor's Disaster Planning and Response Review Committee. Governor's Disaster Planning and Response Review Committee Final Report. State of Florida. Tallahassee, FL: January 1993. pp. 89.
- Hamann, Richard G. Constitutional Issues in Local Coastal Resource Protection. Florida Sea Grant College. Gainesville, FL: July 1986. pp. 127.
- Interagency Hazard Mitigation Team. Winter Storm March, 1993 Interagency Hazard Mitigation Team Report. Federal Emergency Management Agency. Atlanta, GA: March 1993. pp. 39.
- McElyea, William D., Brower, David J. and Godschalk. Before the Storm: Managing Development To Reduce Hurricane Damages. University of North Carolina at Chapel Hill. North Carolina.: August 1982.
- Petak, William J., Ed. Public Administration Review, Volume 45: Emergency Management: A Challenge for Public Administration. American Society for Public Administration. Washington, D.C.: January 1985. pp. 172.
- Planning and Development Department. Wakulla County Comprehensive Plan. Wakulla County Board of County Commissioners. Crawfordville, FL: September 1992. pp. 100.
- U.S. Department of Housing and Urban Research. Design and Construction Manual for Residential Buildings in Coastal High Hazard Areas. Federal Emergency Management Agency. Washington, D.C.: January 1981. pp. 189.



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